

BRIDGEWATER TOWNSHIP
ZONING BOARD OF ADJUSTMENT

Regular Meeting

May 28, 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-	Present	John Gayeski-	Present
James Weideli-	Present	Claudio Vescio-	Present
Jeffrey Sicat-	Present	Andrew Fresco-	Present
Pushpavati Amin-	Present	Chris Gabbett-	Present
John Kulak	Present		

Others present: Board Attorney Rich Oller, Esq., Roger Dornbierer, Zoning Officer.

5. OPEN TO THE PUBLIC

Chairman Foose opened the meeting to the public. With there being no members of the publish wishing to speak, the Board closed this portion.

6. APPROVAL OF MINUTES

There were no minutes for approval.

7. RESOLUTIONS

App#24-007-ZB; Ravi
Block 161, Lot 2; 97 Ivy Lane
Bulk Variance

On motion by Ms. Amin, seconded by Mr. Weideli, the Board voted to adopt the resolution with amendments based on the following roll call vote:

Ayes: Mr. Weideli, Ms. Amin, Mr. Sweeney, Mr. Bongiorno, Mr. Kulak,
Mr. Vescio, Mr. Gabbett & Chairman Foose
Nays:
Ineligible: Mr. Fresco, Mr. Gayeski & Mr. Sicat
Abstain:
Absent:

8. LAND DEVELOPMENT APPLICATIONS

App.#23-009-ZB - Chimney Rock Self Storage

Block 800, Lot 9; 1661 Route 22

Major Site Plan with D Variance & Bulk Variances

This application was carried to the Tuesday June 11, 2024 Regular Meeting without further notice.

Application #23-010-ZB; Bellie Holdings LLC

Block 249, Lot 40 (19-21 Mount Pleasant Ave

D Variances, Bulk Variances

This application was carried to the Tuesday June 11, 2024 Regular Meeting without further notice.

Application #23-011-ZB; 1200 Route 22 Land Investors & 1200 Route 22 LLC Holding

Block 221; Lots 1.02, 1.03, 1.04, 2 & 2.01 (1210 & 1220 Route 22)

Preliminary & Final Site Plan Approval with D Variance(s), Bulk Variance(s)

This application was carried to the Tuesday June 11, 2024 Regular Meeting without further notice.

Application #23-014-ZB; CX Towers

Block 163, Lot 6.01 (719 Route 202)

Preliminary & Major Final Site Plan with D Variance, C Variance (s)

This application was carried to the Tuesday July 23, 2024 Regular Meeting without further notice.

Application #23-023-ZB; Bridgewater Realty II LLC (Starbucks)

Block 222, Lot 6.01 (1288 & 1298 Rt. 22 & Morgan Lane)

Preliminary & Final Major Site Plan, Use Variance, Bulk Variances

See attached transcripts provided by U.S. Legal Support dated May 28, 2024.

9. OTHER BOARD BUSINESS

There was no other Board business.

10. ADJOURNMENT

The Board unanimously voted to adjourn at approximately at approximately 8:22 pm.

Respectfully Submitted,



Jo-Ann M. Ricks
Certified Board Secretary

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BRIDGEWATER TOWNSHIP
ZONING BOARD OF ADJUSTMENT
Regular Meeting

IN RE: APPLICATION NO. 23-023-ZB
Bridgewater Realty II LLC (Starbucks)

-----x
May 28, 2024

TRANSCRIPT of proceedings, held
at Bridgewater Township Municipal Building,
100 Commons Way, Bridgewater, NJ,
commencing at 7:00 p.m., before Caren
Sheehan, Certified Court Reporter - Notary
Public.

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

2
3 FOX ROTHSCHILD
4 BY: HENRY KENY-SMITH, ESQUIRE.
5 997 Lenox Drive
6 Lawrenceville, New Jersey 08648
7 609-896-3600

8
9 TOWNSHIP OF BRIDGEWATER:

10 Jeff Foose
11 Richard Oller, Esq.
12 Donald Sweeney
13 Bruce Bongiorno
14 James Weideli
15 Jeffrey Sicat
16 Pushpavati Amin
17 John Kulak
18 John Gayeski
19 Claudio Veschio
20 Andrew Fresco
21 Gary LaSpisa
22 Chris Gabet *Gabbett*
23 Roger Dornbierer
24 Katherine Sarmad, PP
25 William H. Burr, PE

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

2
3 ALSO PRESENT:

4 Eric Mund
5 Barbara Bateman, Reporter
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PROCEEDINGS

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MR. FOOSE: Good evening everyone. I'm going to call the meeting to order. Bridgewater Township Zoning Board of Adjustment regular meeting May 28, 2024, it is 7 o'clock. Both adequate and electronic notice of this meeting specifying the time, place, and manner of which such notice was provided in accordance with the Open Public Meeting Act N.J.S.A. 10:4-6. Specifically on January 9, 2024, the proper notice was sent to the Courier News and the Star Ledger and filed with the clerk of the Township of Bridgewater posted on the municipal bulletin board.

Please be aware of the Zoning Board of Adjustments policy for public hearings, no new application will be heard after 9:30 p.m. and no new testimony will be taken after 10:00 p.m. if you're able, please rise for the pledge of allegiance.

(Everyone stands for the flag.)

Good evening, Roger, can I have a roll call please?

MR. DORNBIERER: Mr. Foose.

MR. FOOSE: Here.

MR. DORNBIERER: Mr. Weideli.

MR. WEIDELI: Here.

MR. DORNBIERER: Miss Amin.

MS. AMIN: Here.

MR. DORNBIERER: Mr. Sweeney.

MR. SWEENEY: Here.

MR. DORNBIERER: Mr. Fresco.

MR. FRESCO: Here.

MR. DORNBIERER: Mr. Bongiorno.

MR. BONGIORNO: Here.

MR. DORNBIERER: Mr. Gayeski.

MR. GAYESKI: Here.

MR. DORNBIERER: Mr. Sicut.

MR. SICAT: Here.

MR. DORNBIERER: Mr. Kulak.

MR. KULAK: Here.

MR. DORNBIERER: Mr. Vescio.

MR. VESCIO: Here.

MR. DORNBIERER: Mr. Gabet.

MR. GABET: Here.

MR. FOOSE: Can I have a corium.

MR. DORNBIERER: Mr. Oller.

MR. OLLER: Here.

MR. DORNBIERER: Mr. Burr.

MR. BURR: Here.

MR. DORNBIERER: Miss Sarmad.

MS. SARMA: Here.

MR. FOOSE: I thank you everyone for squeezing in here, we have the voting machines that have arrived next door and that room is now locked and ready for voting. So thank you for adjusting calling an audible tonight and Miss Mater set this all up at the last minute so an extra thank you to her.

I want to open the meeting up to members of the public. Roger, are we rolling?

MR. DORNBIERER: Yes, you are rolling.

MR. FOOSE: Okay. Thank you.

Appreciate that.

Open up the meeting to members of the public that would like speak on any land use matter that is not on our agenda this evening? All right. Now I'm going to close that portion.

Board minutes, we have none. And we have one resolution, that's for Ravi and

that's for 97 Ivy Lane. Open for comments and changes from the board.

MR. WEIDELI: Mr. Chairman, one minor comment; that Page 4, third line from the bottom where it starts, the board -- with the words, the board. It says, the board for an required additional D-4 variance. Should be "a" instead of "an". Other than that, I think we're good.

MR. FOOSE: All right.

MS. AMIN: I make a motion to approve.

MR. FOOSE: All right. Motion by

Miss Amin, second by Mr. Weideli.

MR. DORNBIERER: Mr. Foose.

MR. FOOSE: Yes.

MR. DORNBIERER: Mr. Weideli.

MR. WEIDELI: Yes.

MR. DORNBIERER: Miss Amin.

MS. AMIN: Yes.

MR. DORNBIERER: Mr. Sweeney.

MR. SWEENEY: Yes.

MR. DORNBIERER: Mr. Bongiorno.

MR. BONGIORNO: Yes.

MR. DORNBIERER: Mr. Kulak.

MR. KULAK: Yes.

1 MR. DORNBIERER: Mr. Vesacio.
2 MR. VESCIO: Yes.
3 MR. DORNBIERER: Mr. Gabet.
4 MR. GABET: Yes.
5 MR. FOOSE: Thank you. Rich, could you
6 take us through the myriad of cases that we
7 have here?

8 MR. OLLER: So there is a few showing
9 up on the agenda yet not being heard this
10 evening. So if there are any members of the
11 public here for Chimney Rock Self Storage
12 that's 1661 Route 22 or Bellie Holdings, LLC
13 which is 19-21 Mount Pleasant Avenue or 1200
14 Route 22 Land Investors and 1200 Route 22
15 LLC Holding, those three applications are
16 not being heard this evening. They are
17 being adjourned to June 11th at 7:00 p.m. at
18 the regular meeting room. There'll be no
19 further notices from the applicant on those.

20 And then one here CX Towers, that
21 application is being carried to July 23rd
22 and there will be a new notice from the
23 applicant on that application.

24 MR. WEIDELI: How many meetings do we
25 have on the 11th?

1 MR. OLLER: I'm not sure they're all
2 really going to be heard. But I would
3 assume Chimney Rocks' going to go forward
4 and Bellie is going to go forward.

5 MR. FOOSE: All right. So we're going
6 to move forward with Bridgewater Realty II
7 a/k/a our Starbucks.

8 MR. KENT-SMITH: Thank you, Chairman,
9 how are you?

10 MR. FOOSE: Very well, thank you.

11 MR. KENT-SMITH: Henry Kent-Smith, Fox
12 Rothschild, I'm an attorney on behalf of
13 Bridgewater Realty, the applicant for the
14 board tonight.

15 As the board recalls, this is now the
16 third hearing that we've had on the proposed
17 Starbucks which is located at the corner of
18 Route 22 and Morgan Lane. This property was
19 previously approved for a Goddard school
20 that is not moving forward and so Starbucks
21 now is looking to take that parcel that was
22 the Goddard school on the previous approval
23 and construct a Starbucks.

24 So as the board recalls, there were a
25 lot of the questions that were raised at the

1 February meeting. I mean, we had a lot of
2 design issues. So we decided that the
3 better course was discretion and we just
4 presented a concept at the March 12th
5 meeting. Which was revisions that were, you
6 know, I think by the end of the meeting, I
7 think everybody felt comfortable with some
8 of the -- most of all of the design changes.
9 We were then moving forward with a basically
10 redesign site plan.

11 So we're here tonight to present the
12 redesign site plan. We also, due to
13 questions raised by the board, have
14 undertaken a thorough traffic analysis, a
15 complete traffic report that was submitted.
16 Unfortunately, we did not get Mr. Fishinger
17 and Bright View's review letter until about
18 a week -- or a little more than a week ago.
19 In that review letter, Mr. Fishinger and
20 Bright View have raised some concerns
21 required for us to study. And knowing how
22 important that issue is to this board, it
23 doesn't make sense for us to go in, get
24 started on traffic, when you're going to
25 say, what about this and what about that.

1 We're going to study those issues,
2 we're going to address each one and submit
3 back to Bright View and this board a revised
4 updated traffic analysis to address the
5 specific issues that Bright View raises with
6 the hope and desire that by the time that's
7 done and we come back to the board, the
8 traffic analysis will be as complete as we
9 can possibly make it.

10 I know this is a critical issue to
11 this board and we want to make sure we've
12 got all our I's dotted and T's crossed and
13 don't want to just waste time asking
14 questions, which we know you're going to ask
15 and no have an answer. So we need to have
16 those answers.

17 So for tonight, then I'm going to
18 start with Mr. Moschello and he's been
19 previously sworn as the site plan engineer
20 to go through the revised plans that we
21 submitted at the beginning of April. And
22 then -- Mr. Chairman?

23 MR. FOOSE: Before you dive in to that,
24 I have a question for Mr. Mund, I see him in
25 the front row and accounted for. Our

1 township counsel has -- there's been a
2 request for a liquor license transfer. In
3 that request the way it was explained to me
4 by the counsel president, there is two
5 boxes. One was a simple transfer -- one was
6 a transfer and expansion. Under this
7 specific instance it was that expansion that
8 gave them a bit of pause. So your testimony
9 when you testified and you did a great job
10 and was very clear was that, there would be
11 no loss of parking and there would be --
12 basically nothing changed from the original
13 plan. According to the liquor license
14 transfer and expansion that those plans were
15 for an outdoor venue and loss of some
16 parking spots.

17 So I just kind of want to give you
18 the microphone to kind of speak to us and
19 let us know what's happening and if you just
20 give us any clarity.

21 MR. KENT-SMITH: You're under oath and
22 you remain under oath.

23 MR. FOOSE: Thank you.

24 MR. MUND: I found out about this when
25 it came back to me through my counsel that

1 the liquor license transfer was initially --
2 is stalled the right word or denied, I don't
3 know.

4 MR. KENT-SMITH: Concerns were raised.

5 MR. MUND: Concerns were raised about
6 two months ago.

7 MR. KENT-SMITH: Right.

8 MR. MUND: So I proceeded to read my
9 tenant the full calorie version of the riot
10 act and I said, what are you doing? I have
11 an application going on before the board
12 right now. Our lease is, you have -- this
13 is your 6,973 square feet, this is your
14 building, this is your liquor license, this
15 is what you're gonna run, period. What are
16 you doing? He goes -- I just -- this is
17 Mr. Desidario who is my tenant. I just
18 thought I'd try to get some extra seats
19 outside. And my answer was, no. And that
20 was it. So I said, go back to the liquor
21 license authority, amend your application,
22 get the eraser out, this is what you leased,
23 this is what you're gonna run, period, end
24 of story.

25 MR. KENT-SMITH: It's my understanding

1 that yesterday the council approved the
2 transfer of the liquor license with a four
3 wall box inside the building that's what's
4 going to build that's it.

5 MR. SICAT: So they approved the
6 nonexpansion?

7 MR. WEIDELI: You got to go back to the
8 original one is what they approved.

9 MR. MUND: Yes.

10 MR. WEIDELI: What we discussed.

11 MR. KENT-SMITH: Right, no outdoor.

12 MR. WEIDELI: Gotcha.

13 MR. MUND: I wrote him a -- what did
14 you call it, a flamethrower?

15 MR. KENT-SMITH: Yes.

16 MR. SICAT: So your testimony's still
17 valid, there's no changes to it --

18 MR. MUND: Correct.

19 MR. SICAT: We're not being --

20 MR. MUND: Correct. I hope I clarified
21 it for you. Because I was really angry.

22 MR. FOOSE: Glad we're clear and I
23 appreciate you letting us now.

24 MR. MUND: All right. I hope that was
25 unambiguous.

1 MR. FOOSE: Thank you very much.

2 MR. MUND: Thank you for the
3 opportunity to clarify.

4 MR. FOOSE: No problem. All yours.

5 MR. KENT-SMITH: Thank you,
6 Mr. Chairman. I am glad we got that
7 clarified.

8 So then I'm going to start with
9 Mr. Moschello, we're going to defer traffic
10 until we can get that revised and back to
11 the board so that we have complete and
12 review of everything. So then the last
13 question is, we do have our professional
14 planner here, Mr. Tobia, I can't complete
15 his planning testimony because he needs the
16 traffic in order to do the negative
17 criteria, but he could get started on
18 special reasons.

19 Mr. Chairman, I leave that one up to
20 the board, I'm proffering that we can start
21 Mr. Tobia but he will have to come back.
22 Have to come back.

23 MR. SICAT: Not to put the cart before
24 the horse, I just want to let you know that,
25 you know, Rich and Mr. Weideli were talking,

1 seems like July 9th seems like your next go
2 date, if you want to, you know, start
3 thinking about it. But after that, things
4 get really crazy where this board, as if
5 they weren't already crazy, and this is not
6 to put pressure on you to finish on that.
7 Boy that's a good landing date, July 9th,
8 you can have the whole night.
9 MR. KENT-SMITH: Okay.
10 MR. SICAT: Put it to a vote,
11 deliberate if we get to it. But after that
12 things could get dicey in to the end of the
13 year.
14 MR. KENT-SMITH: Just between you and
15 me, you're shaking your head no, right? Are
16 you conflicted on the 9th?
17 MR. TOBIA: Yes. So June 25 was okay
18 for me but July --
19 MR. KENT-SMITH: 9th is not?
20 MR. TOBIA: June 25th is residential,
21 we're booked up.
22 MR. KENT-SMITH: So, Mr. Chairman, then
23 since I can't go anywhere without Mr. Tobia
24 he's going to be out of the country on the
25 9th.

1 MR. FOOSE: Understood.
2 MR. KENT-SMITH: What are we looking at
3 here?
4 MR. FOOSE: August 20th or 26th.
5 MR. OLLER: August 27th.
6 MR. FOOSE: August 27th.
7 MR. KENT-SMITH: Michael, you good.
8 Put it in there and don't -- all right. So
9 given that and you think, Mr. Chairman,
10 we'll have that night, the whole night?
11 MR. FOOSE: I do.
12 MR. KENT-SMITH: Okay. Then it would
13 just make sense because then we can get all
14 the reports back, Mr. Fishinger. We can get
15 everything tied up in a nice neat bow, come
16 on the 27th and just do the whole thing.
17 MR. WEIDELI: Okay. Can I ask a favor,
18 when you have the information all complete
19 can you get it over to us so we can --
20 MR. KENT-SMITH: Yes.
21 MR. WEIDELI: So we can try to wrap it
22 up then.
23 MR. KENT-SMITH: Yes, absolutely. Yes.
24 MR. OLLER: And we'll make the
25 announcement at the end.

1 MR. KENT-SMITH: Okay. All right. So
2 then I think that's --
3 MR. WEIDELI: Does the restaurant
4 intend to open before the end of August, do
5 you have an opening date on that? They're
6 working hard over there.
7 MR. MUND: I hope so. I'm not going to
8 speak for my tenant, but his rent triggers
9 when he opens and I'm getting very
10 frustrated.
11 MR. WEIDELI: They do a lot work over
12 there.
13 MR. MUND: I am happy that he's doing
14 the work and unhappy that he's not open.
15 MR. KENT-SMITH: Hope we will go for a
16 drink afterwards.
17 MR. MUND: Yes.
18 MR. KENT-SMITH: So with that then,
19 Mr. Moschello, if you would be so kind. You
20 can have a seat I'll stand up.
21 MR. MOSCHELLO: I'll have to go to the
22 board so that's fine.
23 MR. KENT-SMITH: So Mr. Moschello, just
24 to remind you and to confirm that you are
25 under oath and you remain under oath.

1 MR. MOSCHELLO: Yes.
2 MR. KENT-SMITH: And nothing has
3 changed relative to your professional life
4 or any other aspect of your professional
5 credentials since the last time you
6 testified?
7 MR. MOSCHELLO: Nothing has changed.
8 MR. KENT-SMITH: All right. So then
9 you had prepared fully engineered site plan
10 based on the comments that you received from
11 the board at the March 12th hearing,
12 correct?
13 MR. MOSCHELLO: That is correct. We
14 submitted revised site plans, we also looked
15 to address the review comment that were in
16 the planner, and engineer and traffic
17 engineers review letters that were pertinent
18 to the plans at that particular time. Some
19 comments weren't, but we addressed as many
20 as we could and that was outlined in the
21 response that was submitted.
22 MR. KENT-SMITH: And if you can
23 identify them and mark for the record the
24 site plan that you'll be testifying about
25 today.

1 MR. MOSCHELLO: I believe we're up to 8
 2 for the record.
 3 MR. OLLER: What was 7?
 4 MR. MOSCHELLO: That was the concept
 5 plans.
 6 MR. KENT-SMITH: 7 was site plan
 7 rendering which was the rendering of the
 8 concept plans.
 9 MR. OLLER: I had a sketch proposed as
 10 A6. I did have something that we did --
 11 MR. MOSCHELLO: We did mark A7 because
 12 it's sitting right there.
 13 MR. KENT-SMITH: Just so everybody is
 14 clear, this is what we marked as A7 at the
 15 March meeting.
 16 MR. OLLER: I'm sorry, say that again.
 17 MR. KENT-SMITH: This is actually what
 18 we marked. This is the A7 formal exhibit.
 19 MR. OLLER: So what is 6? Because this
 20 building signage plan I have marked as not
 21 having been marked. But this never got
 22 marked.
 23 MR. MOSCHELLO: I think because it was
 24 on the architectural exhibits.
 25 MR. DORNBIERER: I have elevations

1 marked as A6.
 2 MR. OLLER: I have an architectural
 3 handout page numbers 2 through 7 was A6.
 4 MR. KENT-SMITH: Yes. That was in fact
 5 there was comments raised by the board
 6 relative do the treatment of the back and
 7 the side. So we've got revised architecta
 8 that we submitted.
 9 MR. OLLER: Okay. Sorry, 7's the site
 10 plan.
 11 MR. KENT-SMITH: Right.
 12 MR. OLLER: And 8's our new number.
 13 MR. WEIDELI: That's 8 there.
 14 MR. KENT-SMITH: That is what is marked
 15 as A8 as of this date.
 16 MR. MOSCHELLO: Okay. So 8 for the
 17 record is entitled, site plan rendering.
 18 It's original date was February 27, 2024,
 19 and it's revised through May 28, 2024.
 20 (Whereupon, Exhibit 8, site plan
 21 rendering, was marked for identification.)
 22 MR. KENT-SMITH: So Mr. Moschello, if
 23 you would be so kind to walk through this
 24 site plan, what revisions were made, and
 25 what impact of those revisions are on the

1 application that we are bringing tonight.
 2 MR. MOSCHELLO: Excellent. So
 3 basically, the layout you see here, is
 4 generally consistent with what we submitted
 5 -- presented to the board at the last
 6 meeting. And I'm just going to talk about
 7 the highlights of the changes that we made
 8 with one or two other modifications. So
 9 again, your access on 22 is on the bottom
 10 plan, Morgan Lane is on the left-hand side
 11 or the eastern side of the plan.
 12 We start off with the entry coming
 13 from Route 22. If you recall, this entry, I
 14 believe, was 18-foot wide originally and we
 15 wind it out now to 22 foot wide. So we have
 16 a dedicated right-hand and left-hand turn
 17 lane when you come into the site so you can
 18 split the traffic. Now we can actually
 19 hold, I believe, up to six cars in that
 20 entryway, three on each side, if so needed.
 21 And then when you come into the site
 22 itself, we took the drive-thru lanes and
 23 pushed them further back. If you remember
 24 my testimony, I think we were originally
 25 stacking around 20 cars on the previous

1 plan. This one is now up to 24 -- 24
 2 vehicles in the drive-thru lanes when you
 3 measure it from the service window all the
 4 way around the drive-thru and the two double
 5 lanes that go out to the access lane when
 6 you come into the site. So we have up to 24
 7 cars that could stack in the drive-thru
 8 lanes.
 9 This necessitated the addition of
 10 some additional pervious coverage cause we
 11 needed to move the lanes further back to do
 12 that and lengthen them out. But we also
 13 made a slight adjustment to the width of the
 14 lanes. They were originally 12 foot wide,
 15 we shrunk them down to 11 which still meets
 16 standard traffic circulation purposes. But
 17 allows us to make up a little bit of
 18 impervious coverage that was added to the
 19 site.
 20 We also show on here -- now, we
 21 talked about it at the last meeting, it
 22 wasn't on the prior sketch but we took three
 23 parking spaces and banked them. Those are
 24 those three parking apaces that are in the
 25 lighter tan shade on the plan here to the

1 top left of the Starbucks building. So now
2 we have -- well, basically it's 290 spaces
3 throughout the entire property which counts,
4 Starbucks, the restaurant site, and the
5 hotel site. And 293 if you count the bank
6 parking spaces for the record purposes. By
7 banking the spaces and adding the additional
8 impervious coverage, originally when we
9 submitted the application we were at
10 60.5 percent lot coverage. By increasing
11 the drive-thru lanes and counting the banked
12 spaces, we'd be at 60.7 percent lot
13 coverage. But by adding the three banked
14 parking spaces in, we're actually back down
15 to 60.5. So the variance relief is for 60.7
16 but if we don't build those bank spaces,
17 it's 60.5 percent.

18 MR. KENT-SMITH: So this will be what,
19 grass, landscape?

20 MR. MOSCHELLO: They'll be grass, just
21 grass area. And they could be built in the
22 future, if they're needed.

23 MR. KENT-SMITH: So let me just ask
24 another question, when you bank these,
25 would you be putting in like a low-baring

1 substrata or is it just going to be --

2 MR. MOSCHELLO: Just going to grass it.
3 We're going to grade it out and we're going
4 to grass it.

5 MR. KENT-SMITH: Okay.

6 MR. MUND: And if we need to put in
7 the -- if they have to build from the DGA --

8 MR. KENT-SMITH: Okay.

9 MR. MUND: -- and anything else later
10 on.

11 MR. WEIDELI: I think I heard at the
12 last meeting there was gonna be at least one
13 charging station?

14 MR. MOSCHELLO: Yes. So we actually
15 had two EV charging spaces at the hotel and
16 we added a charging station next to the
17 Starbucks here and we have two EV spaces
18 designated at the Starbucks building.

19 MR. WEIDELI: Is there going to be any
20 at the restaurant?

21 MR. MOSCHELLO: We are not proposing
22 any at the restaurant right now.

23 MR. WEIDELI: So you have two and two,
24 total of four?

25 MR. MOSCHELLO: Right, for this site.

1 MR. WEIDELI: Anything further on the
2 hotel as far as development? Oh, I would
3 have to defer to --

4 MR. MOSCHELLO: I could talk before our
5 next meeting.

6 MR. KENT-SMITH: We definitely have --
7 yeah.

8 MR. MOSCHELLO: So with those changes
9 the coverage gets modified onsite. We also
10 identified the access path from Morgan Lane,
11 the sidewalk that's out there now. We show
12 an access sidewalk coming in, across two
13 crosswalks, and the coming around the
14 backside of the Starbucks. That would
15 connect to a walkway that connects directly
16 to the Starbucks patio area. And then we
17 continue that walkway out the back towards
18 the hotel building.

19 Now there was a comment in
20 Mr. Fishinger's letter about trying to
21 eliminate stairs on this walkway here, we do
22 have a couple feet -- actually it's about a
23 three foot grade change from the Starbucks
24 down to the hotel, maybe a little more.
25 Mr. Fishinger just suggested possibly

1 rerouting that sidewalk in a different
2 location in the back to try and minimize the
3 need for stairs and we have no problem with
4 it. Looking at that and doing that as
5 addressing his review comment.

6 MR. WEIDELI: I have a question that
7 I've had for a while, what's the purpose of
8 having such a large outdoor patio area?

9 MR. MOSCHELLO: That just goes back to
10 what Starbucks had put on their model plan
11 for the site. Meaning you have -- I think
12 it's 40 seats out there.

13 MR. WEIDELI: That's lot.

14 MR. MOSCHELLO: But that's what they
15 had on their model layout of the building.

16 MR. WEIDELI: Is that their standard
17 then, for most of what they build?

18 MR. MOSCHELLO: Well, for this current
19 building that they gave us, that was their
20 standard. When they signed the letter of
21 intent to develop this to come onsite they
22 give us a package that, this is the building
23 footprint, this is the signage package, this
24 is what we want around the building. And
25 they had 40 outdoor parking spaces --

1 outdoor seating spaces with a canopy that
2 covers half of them. So that's what they
3 were looking for.

4 MR. WEIDELI: Would you happen to know
5 in Green Brook how many they have?

6 MR. MOSCHELLO: I don't know how many
7 in Green Brook.

8 MR. WEIDELI: I've never been there so
9 I can't --

10 MR. MOSCHELLO: Neither have I. I know
11 the site but I --

12 MS. SARMAD: It's three tables.

13 MR. WEIDELI: Can you go back and ask
14 them if 40 is actually necessary?

15 MR. MOSCHELLO: We can ask.

16 MR. WEIDELI: Okay. It's been
17 bothering me since the first meeting.

18 MR. MOSCHELLO: Okay. As far as -- so
19 we have the pedestrian access that we added
20 to the plan. We also -- I know there was a
21 lot of talk about the Morgan Lane entry and
22 exit here. And what's out there today, I'm
23 sure many have seen this, it's a very
24 slightly raised concrete hump that's in the
25 middle of that drive lane there that's

1 actually right here, which has been driven
2 over by every car and truck that goes in
3 there.

4 Now, we don't want to prevent
5 emergency vehicles from entering the sight,
6 so we don't want to make that an impediment.
7 But what we're going to do is, we're going
8 to change it from just that concrete to a
9 mountable curb. It will look a little more
10 imposing to a passenger vehicle, they are
11 not going to drive over it in terms of that
12 nature, but a fire truck can still traverse
13 it and come in that way. It may become more
14 of a mountable to do it as opposed to just
15 that smooth concrete which is easy to drive
16 over. We can try to limit those turns
17 coming in from Morgan Lane and direct
18 everybody to go out towards Route 22.

19 We also did update the signage on the
20 plans. There was talk about trying to
21 direct everyone that wants to get to 287 to
22 go back out towards 22. So we put a sign
23 adjust -- sign directly across from the
24 drive-thru that basically says, for
25 Route 287 go this way on a site. And we

1 added another exit sign over here for that
2 same thing to direct vehicles. If they want
3 to get to 287 to go back out towards
4 Route 22.

5 MR. BONGIORNO: How far is it from that
6 exit to the entrance to 287?

7 MR. MOSCHELLO: I don't know off the
8 top of my head. I have to go check.

9 MR. BONGIORNO: They're coming in on
10 the right lane and 287 they need the left
11 lane.

12 MR. MOSCHELLO: Yeah, they'll have to
13 get across those three lanes of traffic.
14 But at least putting them in here saves
15 another 600 or something feet of frontage, I
16 think it was, before they get to the Morgan
17 Lane intersection. So it at least gives
18 them that opportunity to have more room to
19 merge over the three lanes.

20 MR. KENT-SMITH: That was one of the
21 issues that we need to address. That whole
22 weaving factor, lane capacity and weaving
23 factor that Mr. Fishinger raised, that we
24 have to do that analysis. So we
25 acknowledged the question, we will have the

1 answers, all of that scripted well in
2 advance of the meeting.

3 MR. BONGIORNO: Thank you.

4 MR. MOSCHELLO: The other thing that's
5 shown on the plans is we added the LED
6 drive-thru signage that opens and close the
7 drive-thru based upon the stacking of the
8 drive-thru lanes. So the idea is to have
9 loop detectors in the drive-thru lanes here
10 that when the drive-thru lanes are full,
11 that those signs that are located both at
12 the entrance of the drive-thru's and at the
13 entry coming off of 22 would change from
14 drive-thru open to drive-thru closed,
15 depending on the stacking in the drive-thru
16 lanes. And then there is also a sign that
17 says, the drive-thru is closed, please park
18 and visit the cafe, on the sign.

19 MR. BONGIORNO: Refresh my memory again
20 in terms of, besides just a sign, will there
21 be a gate or something that comes down and
22 stops entry in the line.

23 MR. MOSCHELLO: We didn't propose a
24 gate, we've got a sign that says it was
25 closed.

1 MR. KENT-SMITH: We did a red light
2 green light thing, right?

3 MR. MOSCHELLO: Well, the signs
4 already -- the sign that says, open, would
5 be green, red would be, closed. It's what
6 we were doing on the sign itself.

7 MR. FOOSE: You said this was in
8 Madison?

9 MR. MOSCHELLO: Madison, they have one,
10 yes. And they'll probably be -- again, we
11 haven't electrically designed it, it's not
12 my own expertise but there will probably be
13 an override inside the building that will
14 allow them to close it, if need be, from
15 inside as well from a signage perspective.
16 That was added to the site plan with details
17 on the detail sheets.

18 And lastly, we basically enhanced
19 some of the landscaping. And I'll go
20 through the landscaping numbers when I get
21 to the waivers that are being requested.
22 But I think that covers all of the site plan
23 adjustments that were done on the plans.
24 Before I get to the design waivers and
25 variances that did change, I think if I show

1 the architectural you actual --

2 MR. KENT-SMITH: Yes, thank you. I was
3 just about to.

4 MR. MOSCHELLO: What was submitted to
5 the planning board was actually two
6 elevations that was part of the resubmission
7 package that just went in. And I'm going to
8 reference -- do I need to enter these if
9 they were submitted?

10 MR. KENT-SMITH: Yeah, do we need to
11 mark those?

12 MR. FOOSE: I would mark them.

13 (Whereupon, Exhibit A9A and A9B, two
14 elevations, was marked for identification.)

15 MR. KENT-SMITH: Yeah, mark it A9 --
16 A9A and A9B. Cause what we like is feedback
17 from the board because there is two
18 different options. Which one do you guys
19 like, that's really kind of what we're here
20 to talk about.

21 MR. MOSCHELLO: So these are the
22 elevations, there's two of them here and
23 I'll talk through them briefly.

24 A9A, in Mr. Smith's hand and A9B,
25 that's on the easel. These were prepared by

1 Berman Architecture and what this is
2 representing, is the side of the Starbucks
3 that faces Morgan Lane with the drive-thru
4 window and the rear of the Starbucks that
5 faces basically the parking lot and the
6 residences off to the south.

7 Okay. And the one on the A9B
8 represents basically the rear and the side,
9 all having that wood treatment on it while
10 A9A basically limits the wood to the
11 drive-thru window and to the service door
12 area under the canopy on the rear of the
13 building. Again, both were submitted to the
14 board as options, we have no issues with
15 doing either one but we wanted to show the
16 board to get the feedback.

17 MR. KENT-SMITH: One other thing is,
18 both elevations, we took the roof leaders
19 that were on the outside of the building
20 with the original plans and we put them in
21 the building. So there are no more of the
22 roof leaders that you saw coming down, we
23 took those away.

24 MR. MOSCHELLO: They were on the
25 backside over here and they were -- they

1 would not be --

2 MR. KENT-SMITH: We also added the
3 light under the canopy and reduced the
4 exterior sconces to three instead of four
5 that were on the rear. So we have three
6 back there, the light under the canopy by
7 the service door.

8 MR. GABET: For the brown versus the
9 black looks, is there any difference in the
10 materials verse structural strength or is it
11 purely cosmetic?

12 MR. MOSCHELLO: It's purely cosmetic.
13 The brown is wood.

14 MR. GABET: So the wood treatment where
15 the black is I think, stucco?

16 MR. MOSCHELLO: Metal panels.

17 MR. GABET: It is.

18 MR. MOSCHELLO: It's purely cosmetic,
19 it has nothing to do with structure.

20 MR. KENT-SMITH: So we can either
21 design work for us and it's a question
22 really now of how the board thinks in terms
23 of whether there's a prefer one way or the
24 other. That's really the question.

25 MR. WEIDELI: Can we put it to a vote?

1 MR. KENT-SMITH: I mean vote, or
2 however you want to --
3 MR. FOOSE: Why don't we get some input
4 from the professionals --
5 MR. KENT-SMITH: Yeah.
6 MR. FOOSE: And then the board can kind
7 of give you some feedback, professional.
8 MS. SARMA: Bill and I were
9 discussing.
10 MR. FOOSE: You had brought this up
11 originally that we need to break that up.
12 MS. SARMA: Yeah, the two facades
13 there was only metal panel and I, you know,
14 kind of challenged the architect to say
15 those are the two sides that are most
16 sensitive because they do face Morgan Lane
17 and he described them a little as
18 utilitarian. But this is an effort, I
19 think, to match some of the facade
20 treatments on the other sides that he
21 included. I'm not thrilled with either, I
22 think it is an improvement but I think, you
23 know, Option 2 where there's a bit more of
24 the wood is a bit lazy.
25 MR. KENT-SMITH: Is what?

1 MS. SARMA: Is a bit lazy. When you
2 flip between the two, like the first option
3 is showing a way that they incorporate the
4 wood in interesting areas that kind of break
5 up the facade. But that does very minimal
6 addition of the wood paneling. Whereas the
7 second is just like, let's just do it on the
8 whole bottom half. So I know that we'll be
9 seeing this applicant again and I will you
10 know, challenge the architect again to do a
11 little bit more -- I don't mean to be goldie
12 locks here, but I would like to see a little
13 bit more --
14 MR. FOOSE: Option C.
15 MS. SARMA: An option C or three, or
16 whatever.
17 MR. KENT-SMITH: Now that we're talking
18 in reference to what was on the other facade
19 and I'm referring now, this is Exhibit A1,
20 because there's that glass treatment on both
21 sides here that I don't -- there's no way we
22 can do the glass treatment but maybe make it
23 look something along the lines of that.
24 MS. SARMA: Or like I said, I don't
25 mean to be Goldie locks, but there's a

1 little -- there's a little too little in
2 Option 1 and a little too much in Option 2.
3 MR. KENT-SMITH: All right.
4 MS. SARMA: So maybe spread the
5 wood -- a few of those metal panels out --
6 MR. KENT-SMITH: Okay.
7 MS. SARMA: -- to another window or
8 another door. And I think you're gonna have
9 a happy medium there.
10 MR. KENT-SMITH: Okay. That's what we
11 will do.
12 MS. SARMA: It's not much more that
13 I'm asking.
14 MR. WEIDELI: You're taking like a
15 mixture.
16 MS. SARMA: Just a little bit less and
17 a little bit more.
18 MR. WEIDELI: So take A, B, combine
19 them?
20 MR. FOOSE: Something not lazy, I like
21 that.
22 MS. SARMA: Yeah.
23 MR. WEIDELI: Something like the wood
24 panels and different treatment on the
25 drive-thru?

1 MS. SARMA: So the drive-thru actually
2 has the benefit of the glass, so I think
3 that it's -- and the way it's been designed,
4 you know, I don't think it protrudes too
5 much where it kind of matches. But there's
6 not enough wood paneling that kind of
7 justifies why it's there. Again, it's just
8 slapped on around the glass so I think if
9 you extend it a little bit wider outside of
10 that, you will get the benefit of that wood
11 paneling because you can actually see it and
12 you can see it around -- kind of create a
13 column around the drive-thru.
14 MR. FOOSE: All right. Are there any
15 concerns with the leaders inside the housing
16 regarding the capacity?
17 MR. WEIDELI: As long as they're the
18 same size it should not have any impact. Do
19 you agree with that?
20 MR. MOSCHELLO: It's usually not an
21 issue.
22 MR. WEIDELI: It's a nice clean look.
23 MR. FOOSE: Other board comments, let's
24 hit them while they're fresh in our minds.
25 MR. VESCIO: So at the last meeting we

1 challenged the site engineer to kind of look
2 at the site and see kind of what can we do
3 differently to improve the site. So we saw
4 a little bit more of the crossing traffic as
5 folks entering from 22. I guess the plan
6 presented here is very similar to the
7 previous plan, could you describe some of
8 the other options you looked at and kind of
9 why they didn't work? In terms of the sort
10 of the layout of the drive-thru, where the
11 parking is, verse eastern side versus on the
12 west side. Other alternatives that you
13 looked at that kind of did not work.

14 MR. MOSCHELLO: This is going back to
15 the original layout, the original conceptual
16 plans that we looked at on the property. We
17 always had parking that looped around the
18 outside of the site. It was a matter of how
19 best to effectuate the drive-thru lanes in
20 relation the building itself. And you want
21 your building to front on -- to look towards
22 22, that's where the front of the building
23 needs to be, that's where the front of the
24 restaurant is. So it kind of made the most
25 sense that the drive-thru would come in this

1 way and loop around the building. You have
2 to have it, you know, for vehicles to be
3 able to drive up to the window. So to put
4 it in another orientation didn't really make
5 a lot of sense.

6 If I turn the building this way and
7 put the drive-thru window back here at the
8 building, the entry kind of facing Morgan,
9 I'm losing that stacking distance that I
10 have on the plan that we have here on this
11 particular site. So when we looked at the
12 layouts this seemed to make the most layout
13 sense from getting the most stacking and you
14 would have to be stacking the lanes from the
15 back, it would be more stacking. And
16 located it in that same diagonal across 22
17 that you have the restaurant at.

18 So I mean again, we -- that's kind of
19 the genesis of how it kind of laid in the
20 way it did and the adjustments that we made
21 from the plan we presented at the last
22 meeting that we codified with this site plan
23 submission. So I really didn't -- really
24 look at making changes after that last
25 presentation that we made other than just

1 tweaking it like we talked about.

2 MR. VESCIO: Okay. This plan here, as
3 opposing from your design is really what
4 optimizes the cueing for the drive-thru.

5 MR. MOSCHELLO: It certainly optimizes
6 the drive-thru cueing, gives us the
7 opportunity to have a bypass lane for
8 delivery that can go right back towards
9 Morgan and 22. It really fits the best with
10 the site to get that most optimization
11 without putting it in other locations.
12 Where, okay, I'll put the building up front
13 and put the parking behind it, that doesn't
14 work either from an access standpoint.

15 MR. VESCIO: Thank you.

16 MR. BONGIORNO: How many handicap
17 parking spaces will you have?

18 MR. MOSCHELLO: This plan shows two
19 which meets the ADA requirement. And
20 they're both van accessible because they
21 share that wide strip in the middle.

22 MR. BONGIORNO: Thank you.

23 MR. KENT-SMITH: You also did an
24 analysis of the lighting plan?

25 MR. MOSCHELLO: Yeah, so we've look at

1 lighting -- I know at the last meeting we
2 were asked the questions and we split the
3 lighting calculation out from the overall
4 site because we did have it tied in with the
5 overall hotel site. And Starbucks does
6 require enhanced lighting levels around
7 their building, through the drive-thru
8 lanes, at the entry points into the
9 building, and in the parking lot areas too.
10 So when we split out the numbers and we
11 looked at just the Starbucks property by
12 itself for lighting, that average came in at
13 2.4-foot candles for the site, where your
14 ordinance requires 1.5. That takes into
15 account the lighting levels in and around
16 front doors, under the canopy, at the
17 drive-thru, at the menu order board in the
18 back. So it is slightly higher than what we
19 would have across the rest of the site,
20 which is actually slightly less in terms of
21 its lighting levels that does meet the 1.5
22 back by the hotel because that is closer to
23 the residential. So this area here is a
24 little bit higher at 2.4.

25 MR. FOOSE: How do you know what the

1 hotels are going to be? I mean, that's
2 going to be -- was that stipulated by the
3 planning board approval for the hotel, how
4 many foot candles --
5 MR. KENT-SMITH: Yes.
6 MR. FOOSE: There was a stipulation to
7 that?
8 MR. KENT-SMITH: Yeah, it was in the
9 design plan reviewed by the planning board
10 reviewed by the consultants.
11 MR. FOOSE: On average then, with the
12 restaurant and the hotel, what is the gross
13 average?
14 MR. KENT-SMITH: The gross average --
15 hold on a second. It says overall for the
16 site is 1.4. For the overall site.
17 MR. FOOSE: So the overall --
18 MR. KENT-SMITH: Just so we're clear,
19 the overall, if you took everything on the
20 track together, it complies; but for
21 Starbucks it does not.
22 MR. MOSCHELLO: It's greater than the
23 1.5.
24 MR. KENT-SMITH: So to the extent that
25 we're looking at just the Starbucks, we

1 would be requesting the waiver for the 2.4
2 lighting level for the Starbucks. Because
3 that's what this board -- you know, you want
4 to treat this Starbucks.
5 MR. OLLER: And I do think that's a
6 waiver request.
7 MR. MOSCHELLO: Yes, it's a waiver
8 request.
9 MR. OLLER: Can we go back to the
10 circulation of cars pulling into the 22. So
11 you widen the driveway and allowed for the
12 clear right or left direction that someone
13 might choose. If I choose to go right, I'm
14 going into the drive-thru lanes?
15 MR. KULAK: If you choose to go
16 right --
17 MR. KENT-SMITH: Yes, you could go to
18 the drive-thru lanes, you could, if that's
19 where you're going. Or if you wanted to,
20 you could -- again, let's say you miss this
21 entrance and you wanted to go to the
22 restaurant, you could make a right and go to
23 the restaurant. There is no -- there is
24 nothing that stops you from pulling into the
25 restaurant parking lot area.

1 MR. MOSCHELLO: Let's say for argument
2 sake, I come in here and I make a right, all
3 of a sudden I decide I don't want to go to
4 the drive-thru, for whatever reason. You've
5 got two options; if someone knows about this
6 they can take the bypass lane around and
7 then come out to the parking lot area, or
8 they can drive around the outer parking lot
9 of the restaurant and hotel and come back in
10 that way.
11 And this driveway does exist up here
12 even though the hotel is not built yet, this
13 access out to Morgan and up here is
14 constructed in here. So it will be a
15 functional -- when the Starbucks is
16 completed even if the hotel is still under
17 construction.
18 MR. KULAK: And if I choose to go left
19 and then pull in from 22, I'm going to the
20 parking area, the main parking area, for
21 access in to the store itself?
22 MR. MOSCHELLO: Correct, yes. Yes, if
23 you change your mind you would have to go
24 all the way around.
25 MR. KULAK: Right. And then the

1 question really is, if we start to back up
2 because you had testified earlier that the
3 drive-in from Route 22 will hold additional
4 cars. If we start to back up in that lane,
5 the question becomes, how do I get out of it
6 and what about the people? Am I blocking
7 that lane that allows me to go back to the
8 restaurant through their ultimate exit onto
9 Route 22? I'm just concerned with blocking.
10 MR. MOSCHELLO: Well, we don't -- we
11 will say it to this regard, if the
12 drive-thru's full with 24 cars in here at
13 one point, if someone pulls in here, this
14 sign is going to say the drive-thru's
15 closed. And we would anticipate, at that
16 point, they're either going to make the
17 right and go around or they're going to make
18 the left and go through it. We don't think
19 that both sides will be stacked at the same
20 time. They'll most likely make the right
21 and go around, or make the left and go this
22 way. They'll see that sign as they're
23 coming in here.
24 MR. KULAK: Will somebody be stuck in
25 that no mans land area?

1 MR. MOSCHELLO: I don't think so
2 because if this is full, they're going to
3 continue around. They are going to see that
4 the drive-thru is closed. And I don't think
5 they're going to back up in the drive aisle
6 here, where my pointer is, between the drive
7 lanes and the exit lane in that regard. You
8 got 24 cars, if someone wants to wait with
9 24 cars, I think, you know, they'll have to
10 drive back around at that point.

11 MR. GABET: This may be a kind of a new
12 kid onboard question but, when you say 24
13 cars in the estimate, are you thinking 24
14 Ford Fusions or 24 Yukon XL's.

15 MR. MOSCHELLO: We looked at the
16 typical car length which is 20 -- 20 feet is
17 the length we used. A parking space is
18 9-by-18, so if you give yourself a bit of a
19 buffer, you know, you're not right up
20 against the person directly in front of you.
21 So take an average.

22 MR. GABET: Okay.

23 MR. MOSCHELLO: So that's how we looked
24 at it.

25 MR. FISHINGER: And Rob, did you say

1 that there were signs for the -- where are
2 the signs of drive-thru would be opened or
3 closed? Is there -- you said there's one at
4 the entrance on 22.

5 MR. MOSCHELLO: There's one when you
6 come off of 22 right here at the stop bar.
7 And then there's one at each of the
8 drive-thru lanes on the other side of the
9 road. So you have three of them in total.

10 MR. FISHINGER: So if one of the
11 drive-thru lanes backed up to wherever that
12 cue detector is, whatever, the sign --

13 MR. MOSCHELLO: That one will close but
14 the other one will still be open. So you'll
15 still have -- both of them have to be full
16 for them both to be closed.

17 MR. FISHINGER: Okay. So the sign at
18 the stop bar coming off the 22 doesn't say
19 closed until both of them are full?

20 MR. MOSCHELLO: Correct. You are going
21 to have room in the other lane. You would
22 think that if this lane is full and there's
23 five spaces in the lane on the left, that
24 cars will pull in to there next, you would
25 think.

1 MR. WEIDELI: Question. So at what
2 point then -- if it happens to close, at
3 what point would it reopen then, when a
4 space is available?

5 MR. MOSCHELLO: Right. Correct.
6 When -- we'll have to determine the final
7 length of the -- I'll call them the loop
8 detectors but it would probably have to, at
9 least, get two cars into each --

10 MR. WEIDELI: Would you say two or
11 three minimum?

12 MR. MOSCHELLO: In each lane. And
13 that's something that can be programmed once
14 you determine that length. So you figure
15 give at least two cars in each lane to say,
16 okay, let's move that along a little first
17 before we open up the drive-thru again.

18 MR. WEIDELI: Can we, as a board,
19 decide that for safety reasons?

20 MR. KENT-SMITH: The number of cars?

21 MR. WEIDELI: At what point it will go
22 from red to green again.

23 MR. KENT-SMITH: Sure.

24 MR. WEIDELI: Cause otherwise, it's
25 going to be go, buh-buh-buh.

1 MR. FISHINGER: I like the two to three
2 cars, you know in each lane.

3 MR. WEIDELI: Yeah, there's a
4 difference between two and three.

5 MR. FISHINGER: One of the things I ask
6 for, in review, and I imagine we'll get to
7 it when they get to traffic, was sort of a
8 standard operating procedure and operations
9 plan that says, okay, the car -- if the cue
10 is met -- that spells out if the cars in the
11 drive-thru back up to this point, this
12 happens and all that can be spelled out in
13 that manual. That way the town, the zoning
14 officer, if they come out there and they see
15 it's a mess, they have something to compare
16 to. This is what the plan is, this is what
17 you might -- you're not doing or doing
18 incorrectly and they can address it
19 accordingly.

20 I tend to agree with you, I think the
21 loops need to be a car length or two into
22 the site so that the sign goes red before
23 the cars are backing up into the drive
24 aisle.

25 MR. KENT-SMITH: Yeah, so that was part

1 of the -- Mr. Chairman, why we weren't able
2 to get to that because we have questions we
3 need to take a look at. So we will be
4 submitting the operating manual for the
5 drive-thru signage and the alert system. I
6 will talk with Starbucks and our traffic
7 consultants about the two -- you know, where
8 do we put those loop detectors that we've
9 shown on the plan. We'll have the manual
10 for the board to look at. It's not going to
11 be a book it's going to be -- you know,
12 basically a two or three page document
13 that's going to say, here's how this is
14 going to operate.

15 MR. FOOSE: But it would have to be
16 open-ended. Weideli has a good point, you
17 know, if we something like the Somerville
18 situation where it's spilling out into 22,
19 the zoning officer has to have discretion
20 and say, no mass.

21 MR. KENT-SMITH: No, I understand that
22 Mr. Chairman. And I think that the board
23 could impose the condition.

24 MR. FOOSE: Okay.

25 MR. KENT-SMITH: As a condition of the

1 approval that the zoning officer is allowed
2 to enforce -- I mean, we had Title 39 on the
3 property.

4 MR. MOSCHELLO: We're going to --

5 MR. KENT-SMITH: Yes. So by granting
6 Title 39 that provides municipal enforcement
7 power to private property. So between a
8 stipulation that allows a zoning officer to
9 enforce and the police would be able to
10 enforce it. Because once you grant Title
11 39, as long as you're using uniform devices,
12 you can actually take it.

13 MR. FOOSE: Okay.

14 MR. KENT-SMITH: You know, I think we
15 can protect the public safety interest here.

16 MR. WEIDELI: Yeah, I just want a
17 defined number then I have no problem.

18 MR. BONGIORNO: I know we covered this
19 already but, I don't think you can really
20 account for what people are going to do. If
21 the sign is red and says both lanes are
22 closed, what's to stop people from just
23 pulling in behind the last car and just
24 sitting there?

25 MR. KENT-SMITH: Well, normally what we

1 would do is paint it with, don't block the
2 box. We can put a don't block there, that's
3 actually an enforceable -- again, talking
4 about a Title 39, a don't block the box is
5 enforceable.

6 MR. BONGIORNO: Would you consider
7 that, if that situation arises where people
8 are just not behaving properly, that, in the
9 future, that situation arises you would
10 consider putting in a gate?

11 MR. KENT-SMITH: In the drive-thru?

12 MR. BONGIORNO: Yeah.

13 MR. KENT-SMITH: I have to talk to the
14 folks at Starbucks about that. I just don't
15 know. I don't know that they have a gate in
16 their system. They have the lights but I
17 don't know if they've done a gate. I mean,
18 we can ask the folks at Starbucks.

19 MR. FISHINGER: One other thing that
20 you may want to consider, it's not
21 necessarily a formal gate, just having cones
22 or something on site that an employee can
23 come out and physically drag, either a cross
24 bucks or a series of cones.

25 MR. BONGIORNO: That could work.

1 MR. FISHINGER: So we can physically
2 stop them and when the rush hour's over,
3 then an employee comes back up and picks
4 them up.

5 I mean there's a point where, if
6 somebody absolutely has to get into that
7 drive-thru lane, they're just going to go
8 into the bypass lane and cut someone off.
9 But if we need to just simply putting cones
10 or something out there, hopefully should
11 discourage most drivers.

12 MR. MOSCHELLO: That's typical for when
13 they close drive-thru lanes, they put cones
14 out at some places. I know they do it for
15 the Chick-fil-A.

16 MR. KENT-SMITH: Yeah.

17 MR. FISHINGER: That you have to
18 physically close the lane.

19 MR. WEIDELI: Can you have that put in
20 the operation procedure, that an employee
21 will bring out cones to physically close the
22 lane under --

23 MR. FISHINGER: Can you have that --

24 MR. FOOSE: That should be in the
25 operations manual.

1 MR. KENT-SMITH: Yeah, as long as they
2 say yes, it will be in the manual.
3 MR. FOOSE: Okay. Thank you.
4 MR. FRESCO: So, you know, all of this
5 really leads back to the parking. So I just
6 want to talk about bank parking again. It
7 came up at the last meeting and, you know, I
8 thought about it after and, you know, I know
9 that it will potentially affect this case.
10 But I feel strongly that we should talk more
11 about these bank spots.
12 So how many total spots are there
13 currently?
14 MR. MOSCHELLO: Proposed?
15 MR. FRESCO: Yeah.
16 MR. MOSCHELLO: With the bank --
17 without the bank there's 290 spaces and then
18 there's three bank parking spaces.
19 MR. FRESCO: So if we say 290, take out
20 the electric one, take out the handicap one,
21 you got two -- what, two handicap and
22 electric?
23 MR. MOSCHELLO: There's two handicap
24 and two EV ones.
25 MR. FRESCO: So you're down to like,

1 whatever, 287, 286. You got 24 cars plus
2 40. And how many seats are inside? The 40
3 seats are outside only, right? Do we know
4 how many seats are inside?
5 MR. MOSCHELLO: There's 30 seats
6 inside.
7 MR. FRESCO: So it's 70, you know, plus
8 24. So you're almost at like 100, and I
9 mean, you know, you get these groups of
10 people that say, oh, every Saturday we're
11 gonna go there together and you each bring a
12 separate car. You got people that say, oh,
13 I'm going to meet there, let's meet there,
14 we'll all go car pool to the beach. You
15 know, three cars -- three spots is three
16 spots. But I think that we should really
17 think about just saying, hey, let's have
18 those in there so that way when there's an
19 overflow, you know, people aren't panicked
20 about, what do I do? They can just park
21 there, walk in. So just my feeling.
22 MR. KENT-SMITH: We'll leave that to
23 the boards' discretion.
24 MR. SICAT: Any other comments on
25 parking?

1 MS. AMIN: I have an objection. There
2 was a comment from the Hilton, there is a
3 walkway that brings you this way and there
4 was some steps, you use them in the plan?
5 MR. MOSCHELLO: Well, the steps are
6 shown on this plan right now. But we said
7 that we would look to eliminate them and
8 just have a regular walkway without them.
9 As part of Mr. Fishinger's comments.
10 MR. KENT-SMITH: We can look at that.
11 MR. KULAK: Let me go back to parking
12 for a moment.
13 Are you saying that the number of
14 spaces at the Starbucks by itself is 200?
15 MR. MOSCHELLO: No. The overall site
16 is 290 spaces.
17 MR. FRESCO: So how many are at the
18 site?
19 MR. MOSCHELLO: The Starbucks site
20 itself, not counting the bank is 7 plus --
21 MR. FRESCO: This is what we're here
22 for tonight. So come on. This is what I'm
23 saying. This is ridiculous.
24 MR. MOSCHELLO: That's 31 parking
25 spaces.

1 MR. FRESCO: Obviously, all 40 aren't
2 going to be by 40 different people and the
3 30 inside aren't going to be 30 different
4 people, but still that's not enough.
5 MR. KULAK: Describe what happens.
6 MR. MOSCHELLO: If I can backup a
7 second.
8 The requirements for the parking are
9 only 21 spaces based on code.
10 MR. FRESCO: I'm throwing a lifeline.
11 You're saying, listen, I think you should
12 just pave the damn three spots.
13 MR. KENT-SMITH: No, I hear you there.
14 MR. FRESCO: Why are you going to go
15 back later and worry about it. You know,
16 we're not going to reject the case over
17 those three spots. So do it the right way.
18 MR. KENT-SMITH: We'll re up the waiver
19 request and we'll stipulate to build the
20 parking. It's easier for us to build the
21 parking now.
22 MR. FRESCO: Listen to all the concerns
23 these guys have about overflow. You know, I
24 mean there's gonna be certain days that
25 everybody's going go and it doesn't hurt to

1 have them.

2 MR. KENT-SMITH: As long as this board
3 is comfortable with granting the waiver
4 relief, we'll do it.

5 MR. FRESCO: Yeah, you can hold me to
6 that one.

7 The other thing is, you can't keep
8 people out of that. Like I said, if we're
9 going to go golfing, you and me, and we're
10 going to meet there, we're going to carpool,
11 we're going to park our car there all day.
12 You can't stop them. Think about where we
13 are, we're on a thoroughfare with 287 right
14 there, you got 22. People are going to
15 using that --

16 MR. FOOSE: I will confess, I meet one
17 of my trainer friends at the Basking Ridge
18 Starbucks and we drive to New York City
19 together. We get a cup of coffee so we give
20 Starbucks their money, but we leave the car
21 there all day. And now the cats out of the
22 bag but, and I'm not the only one that does
23 that.

24 MR. KENT-SMITH: And this is public.

25 MR. FOOSE: But people will meet there

1 and I think Mr. Fresco has a very solid
2 point, it is a rally point, it's good for
3 business but the car will sit there for
4 multiple hours.

5 MR. FRESCO: If those in fact are
6 employee --

7 MR. KENT-SMITH: We are more than happy
8 to build the three spaces, it will require
9 the waiver. So we haven't gone through the
10 waivers yet.

11 MR. MOSCHELLO: No, I talked about
12 them. I haven't gone through all the
13 changes.

14 MR. KENT-SMITH: Okay. Why don't we
15 make sure we get all the changes on the
16 record. Let's make sure we get that done.

17 MR. MOSCHELLO: That being the case,
18 will get back to that in a moment. Actually
19 it's part of the variances so. Just to kind
20 of touch on things there.

21 There is five variances that are
22 being requested, they've been documented on
23 the latest set of site plans. But really,
24 the one that changes is the impervious
25 coverage and that is what I mentioned

1 previously where, with the bank parking was
2 60.5. If we get rid of the bank parking,
3 just build it out, as per the plan, with all
4 the spaces, it's 60.7 percent of the lot
5 coverage and would be the deviation over the
6 60 percent.

7 MR. FOOSE: I think that's the way you
8 guys should go.

9 MR. KENT-SMITH: Yeah, exactly. I was
10 just about to say, for the record we're
11 going to request the 60.7 be approved for
12 the purposes of building those three parking
13 spaces.

14 MR. MOSCHELLO: And the other
15 deviations that was already noted
16 previously.

17 MR. FOOSE: Can you put that on the
18 record for us?

19 MR. MOSCHELLO: Sure. So the first one
20 use variances is requested to allow
21 drive-thru coffee shop where a drive-thru is
22 not permitted. That was the first variance.

23 The second one was the deviation for
24 building setback requirements from Route 22
25 where 200 feet is required and 119.4 feet

1 from the building to the street is what was
2 being proposed for the Starbucks building to
3 the closest point on Route 22. The coverage
4 I just talked about, the -- there's a
5 deviation for a minimum front yard setback
6 requirement for 100 feet is required for
7 Morgan Lane, and we're at 96.3 when measured
8 to canopy on the Starbucks building.

9 And the last variance -- this was
10 brought up with the architect at one of the
11 prior meetings about the deviation of the
12 maximum projection above the roof line for
13 the screen around the Starbucks mechanical
14 equipment. Your ordinance only allows three
15 and we're proposing four and that was shown
16 on --

17 MR. KENT-SMITH: Yeah, this is on A7.
18 This screen is a foot higher than it needed
19 to be.

20 MR. MOSCHELLO: But we think again,
21 based on what we presented about screening
22 the mechanicals, that makes the whole
23 building itself, in compliance with the
24 height requirements even with the screens
25 below height requirement. But that still

1 was pointed out as a deviation in the
2 discussions. All right.

3 And then as far as the design waivers
4 go, and again, these are an outline of the
5 coverage. Let me just touch on the ones
6 that changed first and I'll go back and run
7 through the entire list that we're talking
8 about here.

9 So the first one was the parking lot
10 illumination for the Starbucks, your
11 ordinance required a 1.5 foot foot candle
12 average and we're at 2.4 for the Starbucks
13 parking lot. As I pointed out, that was a
14 modification from the previously submitted
15 plans.

16 The next couple have to do with
17 landscaping so I'll go through these in a
18 little bit of detail. It was asked that we
19 break out the landscaping for Starbucks from
20 the overall property. So I'm going to give
21 you a lot numbers here, but these numbers
22 are actually on our detail sheet in the
23 charts that are there as well. I'm going to
24 go through the numbers and talk about these.

25 So the first one is the required

1 number of landscape trees proposed per
2 disturbed area on the site. And the way
3 this works out is, the original calculation
4 was based on the overall disturbed area, the
5 entire project required 110 landscaped
6 trees. When you split that up into
7 disturbed area for Starbucks versus the
8 hotel, Starbucks required 39 trees and the
9 rest of the site required 71 trees. That's
10 how you get to the 110. Okay.

11 And then when we break it down into
12 what's actually proposed, we're proposing a
13 total a 40 trees, okay, and these are the
14 larger -- large circle trees shown here, the
15 landscape trees. Where 33 are on the
16 Starbucks parcel and 7 are on the hotel
17 parcel.

18 MR. KENT-SMITH: So in terms of the
19 design waiver then, isn't it correct that if
20 you were to look at Starbucks parcel by
21 itself, 39 would be required and 33 are what
22 we're proposing on Starbucks?

23 MR. MOSCHELLO: Right.

24 MR. KENT-SMITH: So the waiver would be
25 for Starbucks for six trees, we are short

1 six trees.

2 MR. MOSCHELLO: The next one is for the
3 number of foundation shrub plantings --
4 again, this is based on the overall property
5 now for both the Starbucks and the hotel.
6 Your ordinance required 455 shrubs around
7 the buildings and that would break down to
8 105 around the Starbucks building and 350
9 for the rest of the site. Clearly, you're
10 not going to get 105 shrubs around the
11 Starbucks building since 80 percent of it is
12 on patio. But the way that breaks down is,
13 we have -- on the plan we have 21 around the
14 Starbucks building, and we have 119 around
15 the rest of the site, meaning the hotel
16 building that's in the back of the site.

17 MR. KENT-SMITH: What did we do to
18 mitigate that?

19 MR. MOSCHELLO: Well, I'm not talking
20 about that. Let me just talk about the
21 shrub planting along 22 and I will come back
22 to the overall number.

23 There was also the requirement for
24 the number of frontage plantings along
25 Route 22 where 167 are required. And that's

1 basically for the whole frontage along 22
2 and that breaks down to 66 for the Starbucks
3 and 101 for the rest of the site. And we
4 have 96 on the Starbucks and 48 on the rest
5 of the site that runs along 22.

6 Now, that number doesn't take into
7 account the existing shrub plantings that
8 are out there already along 22, but that was
9 for a total of 144 proposed. So what we
10 ended up doing with the overall shrubs,
11 because we couldn't meet the foundation
12 planting requirements, we ended up enhancing
13 around the rest of the site additional shrub
14 plantings on Morgan Lane, around the parking
15 lot, and additionally along the rear of
16 property and on Morgan Lane by the hotel.

17 Now we ended up with a total of 1,034
18 shrubs for the overall project. Where the
19 ordinance only requires 590, so we almost
20 double the total number of shrubs. Even
21 though we couldn't meet the requirements
22 along the foundation of the two buildings,
23 we increased it throughout the site.

24 MR. KENT-SMITH: So from a design
25 perspective in this waiver, would it be your

1 opinion that the spirit of the ordinance is
2 adhered to although the letter is not?

3 MR. MOSCHELLO: Correct. Because of
4 the way the building is designed, you can't
5 plant up against the foundations. Then we
6 also -- there was a requirement for
7 providing three rows of planting along Route
8 11 where two rows of planting was provided.
9 And this was something that we had actually
10 worked out with the previous planner,
11 Miss Doyle, when we did the layouts where we
12 had two rows of plantings along 22 but then
13 added a third row along the parking lot
14 where the drive lane of the parking lot is
15 front of what was the Goddard school. But
16 we conditioned that through the Starbucks
17 site because of the detention basin along
18 the frontage and the way the planting is
19 laid out. If we had three rows they would
20 just split up by the basin and allowed for
21 additional screening along the drive aisles.
22 That actually wasn't listed on the
23 previously plans. So I wanted to identify
24 that here for the board.

25 Now the last two -- the last two have

1 to do -- one has to do with -- this was
2 brought up in Miss Doyle's letter previously
3 and it's an existing nonconforming condition
4 but since you brought it up, I'm just going
5 to mention it here. And your ordinance
6 allows no more than 20 parking spaces in a
7 row without having a landscaped island that
8 breaks up that row of parking.

9 Basically, all the parking on the
10 site that we had laid for the hotel and the
11 Starbucks, meets that requirement except for
12 the 24 spaces that are existing that run
13 along the front of the restaurant building.
14 So it's an existing nonconforming condition
15 was mentioned in the review letters and I
16 felt that we needed to re-reference it here.
17 We're not changing it, but it's existing
18 nonconforming. If the board wanted to
19 document, it should be documented. That
20 portion of the site right here does not
21 comply with the ordinance for that, as it's
22 an existing nonconforming condition.

23 And then lastly, there was a
24 requirement for the number of minimum
25 loading spaces required for a building where

1 one is required for the building. Starbucks
2 does not have a dedicated loading space like
3 the restaurant does. But we have a bypass
4 lane for deliveries that could be used. And
5 so we're asking for a deviation from having
6 a dedicated loading space on the building.
7 Which Starbucks, you heard from their
8 operation testimony, doesn't particularly
9 need for this type of building.

10 So those are the ones that were
11 changed or added and there were a couple
12 others that were already on the plans
13 previously that still remain. I'm just
14 going to touch on those waivers now.

15 First one was, a deviation from the
16 parking setback from Route 22 where 100-foot
17 is required and 86.1 feet is proposed for
18 the Starbucks, which is right on the corner
19 over here, on the parking that's there
20 closest to you on Route 22.

21 Then we also have a deviation from a
22 parking setback for Morgan Lane where
23 100-foot is required and 23.3 feet. That's
24 the same parking space that runs at the
25 corner, I'll say the lower corner of the

1 site adjacent to Morgan Lane.

2 And then there was also a comment in
3 the letter and I'm just going to reference
4 it here. This has to do with the parking
5 setback where 100 feet is required for
6 Route 22 and 50 feet is provided for the
7 existing restaurant building. And this was
8 brought up in Miss Doyle's previous letter
9 and that's for the parking that runs along
10 the front of the restaurant here, it's
11 setback 50 feet from Route 22. Again, it's
12 an existing nonconforming condition but it
13 was brought up in her letter and I'm
14 re-referencing it here for the board, for
15 board purposes.

16 We also have a deviation for the
17 minimum setback for the free standing sign,
18 that for the Starbucks building, that's here
19 along 22. The ordinance requires 25 feet
20 and we're proposing 8 feet. Again, that was
21 what we presented previously, there's no
22 change for that waiver. And then we also
23 ask for a deviation for the maximum number
24 of free standing signs. Your ordinance only
25 permits one, this site has three. There's

1 the main pylon sign coming off of Route 22
2 which identifies the restaurant, the hotel
3 site. There's the Morgan Lane sign that's
4 coming off the Morgan Lane entrance and then
5 we add the third sign for the Starbucks
6 building coming off of 22 by it's entrance.
7 And then also, we have a deviation
8 for the maximum number of facade signs per
9 building where two are permitted and five
10 were proposed. This was noted -- this was
11 shown on the architects elevations when they
12 were put up for the front of the building
13 that shows the different signs on the
14 building. So that's still a deviation
15 that's being requested that hasn't changed.
16 And then, this one was also brought
17 up in Scarlet's letter and again, this was
18 specific to the hotel but I'm not sure why
19 she brought it up. There was a deviation
20 from a maximum fence height along the side
21 property line where six feet is permitted
22 and eight-foot is proposed. The only
23 eight-foot fence is the existing eight-foot
24 fence that runs along the back of the
25 property here already. And then we're

1 proposing an eight-foot fence on top of the
2 retaining wall by the parking area back here
3 for those houses. So there's no eight-foot
4 fence for the Starbucks, but it was
5 mentioned in our letter. So again, we just
6 noted it here again but I think that's
7 already been granted and it doesn't apply,
8 but we just noted it again for the record.
9 And that covers all variances.
10 MR. WEIDELI: Can you go over -- the
11 variance you talked about Morgan Lane, the
12 setback there, it was 21 --
13 MR. MOSCHELLO: 21.3 feet, yes.
14 MR. WEIDELI: So if that's the shortest
15 area, what -- so basically, the rest looks
16 like a straight line up. What's that?
17 MR. MOSCHELLO: It's parallel to the
18 property line 21.3, the whole thing.
19 MR. WEIDELI: The whole thing. Okay.
20 MR. FRESCO: Is -- the Morgan Lane
21 entrance sign, is that lit?
22 MR. KENT-SMITH: I don't know.
23 MR. MOSCHELLO: We'll have to check
24 that.
25 MR. KENT-SMITH: The Morgan Lane sign,

1 I don't know if it's aluminated.
2 MR. MOSCHELLO: I don't know if it's
3 internally or externally illuminated.
4 MR. FRESCO: So you're allowed two.
5 MR. KENT-SMITH: Allowed one.
6 MR. FRESCO: Just obviously, all the
7 sensitivity on Morgan Lane, I don't know if
8 you know that sign there. I don't even know
9 how much really you're going to pick up
10 there. I mean, you're getting somebody
11 going down Morgan Lane off 22, right,
12 because they can't go in from the other
13 direction anyway. Just throwing that out
14 there. What's the size of that, do you know
15 what the size of that is? Not to go all the
16 way back in to the sign package but.
17 MR. MOSCHELLO: Give me a second here.
18 I'm getting the numbers. I have it on my
19 chart. You know what, I don't have the
20 sign. It just says existing to remain.
21 Cause we weren't changing it.
22 MR. FRESCO: Right. This is the
23 Starbucks sign.
24 MR. KENT-SMITH: That's Route 22.
25 MR. MOSCHELLO: I don't have the

1 details for the Morgan Lane or the pylon
2 sign because they weren't being changed.
3 MR. FRESCO: I have a big note.
4 MR. VESCIO: If there is a sign there
5 we only want it facing 22, the back of that
6 sign should be blocked off.
7 MR. MOSCHELLO: We'll take a look at
8 it.
9 MR. FRESCO: Agreed. Yeah, yeah.
10 MR. KENT-SMITH: I don't have any
11 further questions.
12 MR. FOOSE: Thank you, Mr. Moschello.
13 MR. KENT-SMITH: Sorry, I forgot.
14 Review letters, have you had an opportunity
15 to review the board consultants review
16 letters for the plans?
17 MR. MOSCHELLO: Yes. In the context of
18 the engineering comments, and the planners
19 letter, and the engineer's letter, and the
20 traffic engineer's letter, we have no
21 problem addressing those comments, any
22 conditions for approval.
23 MR. FOOSE: So we are going to assume
24 those comments aren't opposed.
25 MR. MOSCHELLO: Right.

1 MR. FOOSE: And now is the time to make
2 that noted.
3 MR. MOSCHELLO: From an engineering
4 perspective, traffic comments we'll defer to
5 traffic.
6 MR. KENT-SMITH: Absolutely.
7 MR. FOOSE: Questions from the board
8 professionals?
9 MR. BURR: Thank you, Mr. Chairman.
10 Rob, you described some of the changes to
11 the site layout. I think one of your
12 comments was, you extended the drive aisle
13 south pointing to the upper portion to get
14 more stacking, right?
15 MR. MOSCHELLO: Yes.
16 MR. BURR: And originally, I think a
17 fire marshal or fire official issued a memo
18 with comments related to your original plan.
19 MR. MOSCHELLO: He did.
20 MR. BURR: Did he review a new plan and
21 have the issue --
22 MR. MOSCHELLO: Yeah, I spoke to
23 Mr. Scalera about it cause he -- when I
24 talked to him, I explained to him what we
25 did with the changes. And then we discussed

1 the access lanes around it, he was
2 comfortable and he had no further comments.
3 MR. BURR: He is satisfied with this
4 layout now?
5 MR. MOSCHELLO: He's satisfied,
6 correct.
7 MR. BURR: The lot coverage that we had
8 discussed 60.5, now 60.7, the three bank
9 space now becoming impervious from a storm
10 water perspective, is that --
11 MR. MOSCHELLO: It complies because the
12 site was originally designed for
13 60.8 percent. So we have a little bit of
14 room there.
15 MR. BURR: So the storm water design
16 still stands from the 60.7?
17 MR. MOSCHELLO: Yes.
18 MR. BURR: Okay. Good.
19 MR. WEIDELI: You don't see any change?
20 MR. BURR: I don't see an issue about
21 it I just wanted to make sure that it was
22 designed for more than that. I couldn't
23 remember the decimal. So no, I don't have
24 any issues at this point of the storm water
25 design. At one of the prior meetings there

1 was a discussion, not only about lighting,
2 but also landscaping and how this particular
3 lot could stand out on its own, how the
4 spacing and the construction -- ensuing
5 construction unfolded. Landscape wise, how
6 this revised plan has been enhanced. I
7 don't think you -- I know you went through
8 it a little bit with your design waiver
9 testimony, but just give us a flavor for
10 some of the new landscaping that's been
11 incorporated into this land.
12 MR. MOSCHELLO: So there were two
13 things we did with this plan, we added some
14 additional flowering trees or Evergreen --
15 not Evergreen, the street behind Starbucks
16 building in the green area here. But we
17 also added a row of Evergreens between the
18 drive-thru lane and the parking lane here in
19 that eight to ten-foot range, your initial
20 planting range, for those Evergreen trees as
21 an additional buffer if you will between the
22 Starbucks and the parking lot area. Keeping
23 in mind that there's also an Evergreen
24 buffer proposed on the south side of the
25 site. But we added that additional

1 Evergreen buffer in here and then we
2 sprinkled -- so we added some additional
3 shrubs where we could to separate the
4 drive-thru lane here and in the back of the
5 building itself. So we added some
6 additional plantings. But mostly it was
7 those three areas of tree that we focused
8 on.
9 MR. BURR: So is it your opinion that
10 if the rest of the hotel portion of the
11 property never got developed, that this site
12 could stand on its own from a landscape
13 perspective?
14 MR. MOSCHELLO: Yes, from the added
15 buffer we put here and the trees we have
16 here. This piece of property can stand on
17 its own if that wasn't developed. And there
18 actually a full wooded buffer back there now
19 that was going to further enhance but more
20 to the fact that you're going to have
21 activity back here that really isn't
22 happening there today.
23 MR. BURR: So from a lighting
24 perspective similarly we heard testimony
25 that the proposed lighting now is over the

1 average foot candle that's allowed by
2 ordinance. I think you said 2.4 compared to
3 1.5. What can or is proposed with the new
4 lighting to mitigate some of the negative
5 impacts of the higher lighting? Are you
6 shielding the lights, how is that being
7 managed?

8 MR. MOSCHELLO: The lights can be
9 shielded, the ones that face this way. I
10 think we said we would do that already. But
11 also too, the time for the Starbucks is
12 going to be different from the time for the
13 hotel, restaurant. So when the Starbucks
14 closes, those lights will be turned down and
15 turned off. I think it's 10:00 or 10:30, I
16 forget the time that we testified to. For
17 the time the Starbucks closing during the
18 week or on the weekends. So that would be
19 on a separate operating schedule then the
20 restaurant and the hotel. So that I would
21 help to minimize. Say for example, if the
22 hotel wasn't built, Starbucks would be
23 turned off earlier.

24 MR. BURR: And then the lighting at
25 Starbucks will be shielded?

1 MR. MOSCHELLO: Correct. They are all
2 LED style dash shield lights, modern
3 compared to what was built 20, 25 years ago.
4 And I know there's a re-lamping in process
5 on the existing parking lot out there now.
6 That will be existing once the site is built
7 out.

8 MR. BURR: And last question is, you
9 had mentioned that at the Morgan Lane
10 driveway entrance you were proposing to
11 replace the curbed island, I think, with
12 minimal curbing to give more -- make it more
13 of a deterrent for people to make a left in
14 and a right out.

15 MR. MOSCHELLO: Correct.

16 MR. BURR: Is the orientation of the
17 alignment of that curbed island or the jut
18 out going to change at all or is it
19 generally going to be -- that's one of my
20 concerns. It really doesn't stick very far
21 out to deter vehicles. I understand why, to
22 allow for emergency services, but I just
23 want to make sure that that is as good as we
24 can make it to deter folks from going not
25 where we want them.

1 MR. MOSCHELLO: I was hesitant to
2 change the footprint of it. More so to just
3 make it look different cause I think when
4 you see it now, I'm sure most people have
5 seen it at this point, it's really low
6 concrete. I mean, maybe an inch, an inch
7 five. You can drive over that in a
8 passenger vehicle without any issues. So I
9 think by putting in the Belgium blocks
10 that's mountable it will look more like an
11 island that's there. We might even -- I
12 think we show at the middle of it being
13 grass, you know, whether that -- that may
14 become river stone or something. But it
15 looks different than just concrete.

16 Now, a fire truck can still drive
17 over. We don't want to have a fire truck
18 not to be able to get in but we want to
19 deter, you know, maybe those delivery trucks
20 or somebody that's coming in that way.
21 Maybe somebody with a passenger car, they
22 might think twice before they do it.

23 MR. BURR: And there may be updated
24 signage to the extent necessary to accompany
25 that.

1 MR. MOSCHELLO: Yes. We have a sign
2 over here and we are going to update the no
3 left turn sign on the -- mostly the
4 northbound side of Morgan Lane to cover
5 that.

6 MR. BURR: Very good. Thank you.

7 MR. FISHINGER: Just have one question
8 for you, Rob. There was a little confusion
9 I mentioned in my review letter that, what
10 is the largest delivery truck you're
11 anticipating? Is it a wb40, what's the
12 template -- the template you used was a wb40
13 although the plan said it was an fu40.

14 MR. KENT-SMITH: Yeah, that was a W --

15 MR. FISHINGER: And I think earlier
16 testimony was a box truck. So if you can
17 just clarify what is the largest delivery
18 vehicle you're expecting on the site.

19 MR. MOSCHELLO: We designed the site to
20 handle the five lane for a wb40. So it can
21 handle that. So I mean, I think Starbucks
22 is actually talking about box trucks and
23 I'll have to just confirm that with
24 Starbucks. I think the person testified --
25 talked about that but I don't remember

1 exactly what she had said.
 2 MR. FOOSE: She said box truck.
 3 MR. MOSCHELLO: She said box truck? We
 4 make sure we get a wb40 through the site.
 5 MR. FISHINGER: That's why I just
 6 wanted to clarify. Cause I had the same in
 7 my notes. And then, Rob, while we're on it,
 8 I'm assuming you'll make the minor
 9 adjustments necessary to the drive-thru
 10 lanes so that that truck doesn't hit the
 11 clearance part?
 12 MR. MOSCHELLO: Yes, yes. I saw that
 13 in your comment. We just have to adjust
 14 that.
 15 MR. FISHINGER: And it looks like to me
 16 it can be fixed very easily.
 17 MR. MOSCHELLO: Yes, thank you for
 18 picking that up.
 19 MR. FISHINGER: That was all I have,
 20 Mr. Chairman.
 21 MS. SARMAD: Thank you, Mr. Chairman.
 22 I have a few questions. Regarding the sign,
 23 the free standing sign, the sign at the
 24 frontage along 22 appears in the details on
 25 the site plan not be lit in any way. So I

1 don't know if there's going to be some light
 2 on it where there's no internal.
 3 MR. MOSCHELLO: Are we talking about
 4 the Starbucks sign?
 5 MS. SARMAD: The Starbucks sign on 22,
 6 the freestanding.
 7 MR. KENT-SMITH: Oh, the new Starbucks
 8 sign, yes.
 9 MS. SARMAD: Yeah, the freestanding
 10 sign.
 11 And then as far as the sign at Morgan
 12 Lane that's noted on the site plan as sign
 13 number two, I can't find the detail for
 14 that.
 15 MR. WEIDELI: I can't find it either.
 16 MS. SARMAD: I think you might need too
 17 add a detail to sign number two. Cause I
 18 don't know what that --
 19 MR. MOSCHELLO: Yeah, we didn't have
 20 either -- that one or the pylon sign we
 21 didn't have on the plan.
 22 MS. SARMAD: Please add those. I
 23 appreciate the overview of the variance
 24 request, I think depending on if Mr. Tobia
 25 goes tonight or not, I think having that in

1 written form, having it written out a sheet
 2 of all variances will be helpful. Just for,
 3 you know, moving forward for procedurally.
 4 MR. KENT-SMITH: I will submit that.
 5 MS. SARMAD: Thank you. Again, if
 6 Mr. Tobia begins his testimony tonight,
 7 that's kind of a moot point because he'll
 8 probably outline those. But I think it
 9 would be helpful regardless for the next
 10 meeting. I know the board has had some
 11 discussion tonight and the last meeting
 12 about those -- the open/close indicator
 13 signs for the drive-thru. And at the last
 14 meeting I had mentioned, what happens for
 15 traffic coming from Morgan Lane that comes
 16 in, circulates the site, and gets to the
 17 drive-thru, and goes into the drive-thru,
 18 you know, maybe sticking out. Because to
 19 them, they're not getting any indication
 20 from Morgan Lane that the drive-thru is
 21 closed or full or that there's any, you
 22 know, restriction.
 23 I know we discussed potential -- I
 24 think Mr. Kent-Smith is going to bring back
 25 to the client, you know, the other kind of

1 options for resolution that the board has
 2 brought up, and I know the last thing I just
 3 updated was potential for sign for one of
 4 those indicator signs at Morgan Lane. Just
 5 because someone entering from that portion
 6 cause they have no idea which may impact the
 7 traffic from 22. Which, if there's no
 8 blockade or anything restricting them from
 9 going into the drive-thru, they're going to
 10 see other people and they're going drive in
 11 from that Morgan Lane portion and go in
 12 themselves. You know, why can't I do it if
 13 they can do it.
 14 So I think -- it's not -- the signs
 15 are not a perfect solution by any means, I
 16 understand they're to going help restrict
 17 some traffic and additional cueing outside
 18 of the lanes, but I think that's still
 19 something that's unresolved. And what I
 20 would recommend is sometime between this
 21 meeting and the next, is potentially talk to
 22 the Starbucks people, they have to have had
 23 issues or resolutions in other places that
 24 have creatively addressed this. I'm
 25 assuming. Cueing issues don't come though

1 until after the site is built, which is
2 whatever everyone remembers. And so I
3 recommend that, you know, to address this
4 head-on and find the right solution that
5 addresses the board concerns.

6 MR. BONGIORNO: Comment. We discussed
7 before that a gate was not really feasible
8 but maybe cones. I'm suggesting also that
9 maybe somebody inside Starbucks be alerted
10 to the fact they might be closed.

11 MS. SARMAD: Yes. And this is -- my
12 concern really is that the more layers we're
13 trying to add to this, the more there's
14 going to be a malfunction. Because, you
15 know, I go to Starbucks and every -- the one
16 in -- the Promenade over at Bridgewater
17 Commons and that doesn't have a drive-thru,
18 but man, that thing is packed on Thursday's
19 when the kids get out of school and they
20 have half off or a bogo or whatever it is,
21 and you wouldn't believe it, people waiting
22 for a drink. So I can only imagine a
23 drive-thru how that would be ten times
24 worse.

25 MR. BONGIORNO: Me too.

1 MS. SARMAD: So because you don't have
2 to drive and park, some people frequenting
3 any restaurant. So I think we want to think
4 about this because this is clearly a
5 concern. And I only ask that, you know,
6 Starbucks Corporate has probably dealt with
7 this. Maybe it's not in New Jersey, maybe
8 it's Iowa or something, but, you know, I
9 think we need to find a creative solution to
10 address this. And doesn't take multiple
11 layers or relying upon a team of command at
12 Starbucks to say, okay, you know, employee
13 part of your handbook says, this location is
14 -- you got to put cones out and you have to
15 keep an eye out for the drive-thru lane.
16 Really that's not their job responsibility.
17 So I think we got to iron that part out.
18 And like I said, I recommend figuring out
19 something that will not require many layers.

20 I think that's all I have for right
21 now.

22 MR. FOOSE: Thank you.

23 MR. KULAK: I'm going to beat the
24 parking horse again. Until the hotel is
25 built, you have the construction fencing

1 around it, there's been some -- looks like
2 excavation and so on. The fact that it
3 hasn't been built, does it restrict access
4 to the parking that is ultimately meant to
5 be shared by the whole site? So in other
6 words, what can't I use in terms of parking
7 until it's built or what am I able to use
8 once it's built?

9 MR. MOSCHELLO: I'll have to go back in
10 and take a look because construction fencing
11 up there and I can't remember where that
12 fence -- I know the lane you can drive
13 through from 22 to Morgan. So I know the
14 parking spaces on this side are available
15 and the spaces, of course, around the
16 restaurant are all available. But I do not
17 remember how many on this back side here are
18 actually available that have fencing.

19 MR. KULAK: How about the ones behind
20 the hotel?

21 MR. MOSCHELLO: I think for the time
22 being, I think these -- and I'll say this
23 second is probably about 35, 40 spaces back
24 here. I think that's fenced off right now
25 for construction purposes. So I think that

1 would be out of play for the time being
2 until that's finished.

3 MR. KULAK: In your opinion, how does
4 that impact the shared parking nature of the
5 site in that the restaurant in itself and
6 Starbucks might have some overflow? And I
7 know their hours are going to be somewhat
8 different, but just looking for your opinion
9 that you believe that it's adequate or that
10 it will be challenging or that you will find
11 some way to be able to open that additional
12 parking whether or not the hotel is done.

13 MR. MOSCHELLO: I think the few things
14 can happen. Let's just say for example,
15 Starbucks gets approved within the next
16 couple months, we'll assume that. It's
17 going to take at least another nine months
18 or whatever until, so you're looking at a
19 years' time before that comes into play.

20 Assuming we have an update on the
21 hotel by then, by the next meeting. Let's
22 say, for arguments sake, the hotel work goes
23 through in a year and a half, two years'
24 time it will all be done and almost becomes
25 a moot point. If, for some strange reason,

1 the hotel work ultimately becomes stalled to
2 the point where it's not going anywhere for
3 the short term, there may be an opportunity
4 where they need to reopen this parking as
5 overflow if it's needed.

6 Again, because you mentioned it in
7 the question, these are really two different
8 times that they're going to function. The
9 restaurant is going to be Thursday evenings,
10 Friday, Saturday, Sunday, you know,
11 throughout the course of the day.
12 Starbucks, you figure early morning and then
13 as the day goes on it's going to change.
14 And you might have a little bit of a slower
15 evening, but you're going to have differing
16 peaks for both of the sites.

17 Again, we have almost 40 spaces when
18 you count those couple of banked spaces on
19 the Starbucks site so it does exceed what
20 the minimum parking requirements are for it.
21 So again, we feel there is adequate parking
22 out here but if something happened where we
23 need to get the -- those over -- those
24 spaces reopened because the hotel is
25 stalled, I think that's something that can

1 be looked at a year down the road when the
2 site is completed.

3 MR. KENT-SMITH: But that's really a
4 very good question that I think we're going
5 to try to have answered in full by the
6 August meeting. Because this is the kind of
7 meeting that there's certain covenants in
8 the master deed that require full free
9 access around the condominium. So even
10 during construction you can't bar access to
11 other operating uses. So it's -- for my
12 perspective incumbent, and Mr. Moschello
13 agreed, that we will have a submission that
14 will show the circulation during
15 construction. So the construction must
16 always keep these access points and
17 circulation aisles and parking.

18 MR. BONGIORNO: Where is the
19 construction entrance for the hotel?

20 MR. KENT-SMITH: Hmm?

21 MR. BONGIORNO: The construction
22 entrance when they start building the hotel?

23 MR. KENT-SMITH: Probably going to be
24 the main Route 22 entrance, I would think, I
25 don't know. That's what we got to figure

1 out. But if I'm -- you know, a concrete
2 truck or anything else, it seems to me like
3 I'm probably going to go Route 22.

4 You know, so -- but the point being
5 is that we do have preserve under our master
6 deed full access and that's, I think,
7 something worthy that we should actually
8 mark because I really think that's going to
9 be an issue if it ever becomes a problem
10 everyone needs to enforce. Us and the
11 township.

12 MR. BONGIORNO: Another question, the
13 restaurant, I don't know if you know or this
14 information is available, will there be a
15 service bar or will it be an open-type bar
16 area in the restaurant?

17 MR. KENT-SMITH: I don't know, do you?

18 MR. MUND: It's a conventional bar.
19 The bar has shifted from the left-hand side
20 of the restaurant to the right-hand side of
21 the restaurant. And I do not believe
22 there's like a kitchen bar or a service bar
23 there. I don't know the guy's operation but
24 I've seen the plans and I don't see a
25 kitchen bar or a service bar. So the

1 bartender might have a --

2 MR. KENT-SMITH: I can't imagine
3 there's not a service bar within the bar
4 complex where the WW's to come in there.

5 MR. MUND: There's no dedicated
6 standalone kitchen bar.

7 MR. KENT-SMITH: Right.

8 MR. MUND: It's got to be part of the
9 existing bar which is relocated to the
10 right-hand side of the building.

11 MR. FOOSE: All right. I'm going to
12 open it up to the members of the public that
13 would like to ask Mr. Moschello a question
14 about his testimony.

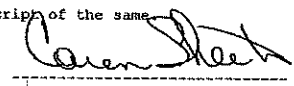
15 All right. Seeing none. It may be a
16 good time for a break.

17 MR. KENT-SMITH: Let me just have a
18 chat with Mr. Tobia but if we have the
19 entire hearing in August, I want to just
20 double check with him and make sure we can
21 get everything for the traffic. But I hope
22 that by then all the traffic issues that
23 have been raised, will have been, at least,
24 analyzed fully and addressed. And then it
25 may be that we can just carry it and won't

1 proceed any further. Let's take a break.
 2 MR. FOOSE: 8:40 we'll come back.
 3 (Whereupon, at this time, a recess
 4 was taken.)
 5 MR. FOOSE: We are going to reconvene.
 6 We need to get a quick roll call, please.
 7 MR. DORNBIERER: Mr. Foose.
 8 MR. FOOSE: Here.
 9 MR. DORNBIERER: Mr. Weideli.
 10 MR. WEIDELI: Here.
 11 MR. DORNBIERER: Miss Amin.
 12 MS. AMIN: Here.
 13 MR. DORNBIERER: Mr. Sweeney.
 14 MR. SWEENEY: Here.
 15 MR. DORNBIERER: Mr. Fresco.
 16 MR. FRESCO: Here.
 17 MR. DORNBIERER: Mr. Bongiorno.
 18 MR. BONGIORNO: Here.
 19 MR. DORNBIERER: Mr. Gayeski.
 20 MR. GAYESKI: Here.
 21 MR. DORNBIERER: Mr. Sicat.
 22 MR. SICAT: Here.
 23 MR. DORNBIERER: Mr. Kulak.
 24 MR. KULAK: Here.
 25 MR. DORNBIERER: Mr. Vescio.

1 MR. VESCIO: Here.
 2 MR. DORNBIERER: Mr. Gabet.
 3 MR. GABET: Here.
 4 MR. DORNBIERER: Mr. Oller.
 5 MR. OLLER: Here.
 6 MR. DORNBIERER: Mr. Burr.
 7 MR. BURR: Here.
 8 MR. DORNBIERER: Miss Sazmad.
 9 MS. SARHAD: Here.
 10 MR. DORNBIERER: And Mr. Fishinger.
 11 MR. FISHINGER: Here.
 12 MR. FOOSE: Thank you. Mr. Kent-Smith.
 13 MR. KENT-SMITH: Thank you.
 14 MR. FOOSE: Where are we at?
 15 MR. KENT-SMITH: Mr. Chairman, we have
 16 determined that given the issues that we
 17 still have to address, it would be
 18 improvident for us to just start a planning
 19 testimony that we are not ready to complete.
 20 So I request that the board carry this
 21 application and I believe we said
 22 August 27th.
 23 MR. FOOSE: We did. August 27th, so
 24 that is going to be with notice or without
 25 notice?

1 MR. KENT-SMITH: Without.
 2 MR. OLLER: It will be without. Once
 3 we confirm that date I'll make the
 4 announcement.
 5 MR. FOOSE: All right.
 6 MR. KENT-SMITH: So August 27th would
 7 be the date.
 8 MR. OLLER: So for members of the
 9 public, this meeting is being adjourned and
 10 carried until August 27th at 7:00 p.m. in
 11 this room and there will be no further
 12 notices from the applicant.
 13 MR. KENT-SMITH: Thank you.
 14 MR. FOOSE: And for members of the
 15 public, our next meeting is June 11th 7:00
 16 p.m. we will be next door in the board room
 17 with cases of Chimney Rock Self Storage, and
 18 Bellie Holdings. So again, that's June 11th
 19 7:00 p.m. in the board room next door.
 20 Thank you everyone, good night.
 21 (Hearing concluded at 8:40 p.m.)
 22
 23
 24
 25

1 C E R T I F I C A T I O N .
 2
 3 I, Caren Sheehan, hereby certify that
 4 the proceedings and evidence noted are
 5 contained fully and accurately in the
 6 stenographic notes taken by me in the
 7 foregoing matter, and that this is a correct
 8 transcript of the same.
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 12 Court Reporter - Notary Public
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