

BRIDGEWATER TOWNSHIP
ZONING BOARD OF ADJUSTMENT

Regular Meeting
August 27, 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., Board Planner Katherine Sarmad, Board Engineer Bill Burr, Board Traffic Engineer John Jahr, and Roger Dornbierer, Zoning Officer.

5. OPEN TO THE PUBLIC

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

6. APPROVAL OF MINUTES

There were no minutes for adoption.

7. RESOLUTIONS

There were no resolutions for adoption.

8. LAND DEVELOPMENT APPLICATIONS

**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 transcript provided by

This application was carried to the Tuesday November 12, 2024 Regular Meeting pending new notice.

**#24-005-ZB; 821 Bridgewater LLC & JCC of Somerset, Hunterdon & Warren
Block 477, Lot 45&46 (821 & 831 Route 202-206)
D(1), D(4), D(5) Variances**

**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 September 10, 2024 Regular Meeting pending new 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 December 10, 2024 Regular Meeting pending new 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 December 10, 2024 Regular Meeting without further notice.

9. OTHER BOARD BUSINESS

There was no other Board business.

10. ADJOURNMENT

The Board unanimously voted to adjourn at approximately at approximately 7:52 pm.

Respectfully Submitted,



Jo-Ann M. Ricks
Certified Board Secretary

TOWNSHIP OF BRIDGEWATER
BOARD OF ADJUSTMENT

In the Matter of: :
: Transcript
CASE 23-023-ZB :
: of
BRIDGEWATER REALTY II LLC :
(STARBUCKS) : Proceedings

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Tuesday, August 27, 2024
100 Commons Way
Bridgewater, New Jersey 08807
Commencing at 7:06 p.m.

BOARD MEMBERS PRESENT:

JEFF FOOSE, Chairman
JAMES WEIDELI, Vice Chairman
ANDREW FRESCO, Secretary
DONALD SWEENEY
BRUCE BONGIORNO
JEFFREY SICAT
PUSHPAVATI AMIN
JOHN KULAK
JOHN GAYESKI
CLAUDIO VESCIO
CHRIS GABBETT, Alternate

WILLIAM BURR, Board Engineer
KATHERINE SARMAD, Board Planner
JOHN JAHR, Board Traffic Engineer
ROGER DORNBIERER, Zoning Officer

MICHAEL LOMBARDOZZI,
Certified Shorthand Reporter

AB COURT REPORTING, LLC
Certified Court Reporters
26 Algonquin Terrace
Millstone Township, New Jersey 08535
Tel: (732) 882-3590
angelabuonocsr@gmail.com

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

RICHARD OLLER, ESQUIRE
Attorney for the Board

FOX ROTHSCHILD
BY: HENRY KENT-SMITH, ESQUIRE
Attorneys for the Applicant

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PUBLIC SWORN

NAME	PAGE
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(No public sworn.)

E X H I B I T S

NO.	DESCRIPTION	PAGE
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1 CHAIRMAN FOOSE: We have Bridgewater
2 Realty. Good evening, Mr. Kent.

3 MR. KENT-SMITH: Good evening,
4 Mr. Chairman, members of the board, I'm hen
5 Kent-Smith, I'm with the firm of Fox Rothschild,
6 and I'm here tonight on the continued application
7 of Bridgewater Realty. This is the property on
8 Route 21 and Morgan Lane.

9 As this board hopefully is well
10 aware, and remembers, that we have been in the
11 process of presenting an application for a use
12 variance, several bulk variances, and multiple
13 design exceptions for a proposed Starbucks on the
14 corner of Route 22 and Morgan Lane.

15 The application began in February.
16 We had a hearing in March, then came back to the
17 board in May with a further revised design. And,
18 tonight, I hope to be able to conclude our direct
19 presentation to this board.

20 Just to give the board some of the
21 background, the applicant has presented their
22 site plan engineer, a representative of
23 Starbucks, to discuss the Starbucks operation,
24 and our project architect.

25 The board, at the last meeting, had

1 several questions. Some of them related to the
2 operation of the drive-through in particular,
3 which I have a witness to address operational
4 questions that the board may have, and clarify a
5 couple of points that the board had.

6 Once that witness, who is Mr. Cruz,
7 once he's concluded his testimony, Elizabeth
8 Dolan, who is our traffic engineer, she will be
9 testifying on the traffic analysis. She has
10 submitted a revised traffic analysis, as promised
11 in our -- at the end of the May meeting, that has
12 been reviewed by the board's traffic engineer.

13 And, finally, Michael Tobia is our
14 professional planner; will present the planning
15 basis for the special reasons to support the
16 grant of the variance, as well as the Medici
17 proofs for positive and negative criteria.

18 So, Mr. Chairman, unless I missed
19 something, then I'm ready to proceed.

20 CHAIRMAN FOOSE: I'm ready too. I
21 got a lot of Starbucks in me.

22 MR. KENT-SMITH: So Carlos Cruz,
23 please, come forward.

24
25

1 C A R L O S C R U Z, having been
2 duly sworn, testified as follows:

3 MR. OLLER: Would you state your full
4 name, please?

5 MR. CRUZ: Carlos Cruz.

6 MR. OLLER: C-R-U-Z?

7 MR. CRUZ: C-R-U-Z, correct.

8 MR. OLLER: Thank you.

9 DIRECT EXAMINATION

10 BY MR. KENT-SMITH:

11 Q. Mr. Cruz, can you please describe
12 to the board your position with Starbucks, what
13 you're responsible for, your time with the
14 company, and what you do?

15 A. I'm a construction manager for
16 Starbucks --

17 COMMISSIONER KULAK: Excuse me.
18 Yeah, you're going to have to talk into the
19 microphone. I just want to remind you.

20 MR. CRUZ: I'm not used to it.

21 MR. KENT-SMITH: Be a rock star.

22 MR. CRUZ: Be a rock star.

23 A. I'm a construction manager for
24 Starbucks. I run the New Jersey market and some
25 Manhattan stores and boroughs. I've been with

1 Starbucks for almost six years now. I've been
2 doing this work for over 35 years.

3 Q. With Starbucks or with --

4 A. With other retailers.

5 Q. Okay.

6 A. Starbucks for six years.

7 Q. And you're familiar, then, with the
8 Starbucks operation?

9 A. I am.

10 Q. Okay. So have you had a chance to
11 review the application that's before the board,
12 and in particular the site plan design?

13 A. I have.

14 Q. And there was a question raised by
15 the board, and we've had numerous discussions
16 relative to the operation of the drive-through,
17 and the adequacy of the queueing or stacking
18 proposed for the -- for this location. You are
19 familiar with the New Jersey Starbucks
20 throughout the state?

21 A. I am.

22 Q. We are proposing 24 cars as a queue
23 stack for this location. You're familiar with
24 that?

25 A. I am.

1 Q. How does that compare to other
2 Starbucks throughout New Jersey?

3 A. I can safely say it's the largest
4 queue in the state.

5 Q. And in normal operation, what do
6 you anticipate, and what does Starbucks
7 experience, with what would be a normal --

8 A. An average day for a Starbucks, we
9 have a seven-car stack to the order point;
10 usually averages nine to ten cars on a daily.
11 You know, on a peak, it probably goes up to 12
12 cars.

13 Q. And then, from the order point to
14 the pickup window?

15 A. That's seven cars.

16 Q. Okay. All right. Got it.

17 So, then, the total stacking of,
18 like, 14 or 15 would be what you would
19 anticipate as a --

20 A. Typically, we've been doing 15
21 cars, correct.

22 Q. All right. And so this proposed
23 Starbucks has greater stacking, by far, than
24 what you normally would design for. Correct?

25 A. It does.

1 Q. Okay. Now there was some
2 discussion about things like when there are
3 problems with a drive-through operation. Like,
4 let's look at an example. Say that, for
5 whatever reason, the drive-through window gets
6 backed up. How would you close off a
7 drive-through lane, operationally?

8 A. We put a camera at the corner of
9 the building, where the interior POS station has
10 a view of the back or the tail of the
11 drive-through. If it backs up to that point,
12 the store manager will opt to close the lane, or
13 put a cone on the lane, until they go through
14 that lane.

15 Q. Now, one of the other things that
16 we've discussed with this board, and we've
17 agreed to, is that we actually have two lanes
18 that go from the point of entry into the
19 drive-through lane, up through the order point,
20 and then a single lane into the pickup window.
21 One of the reasons we did that was to address
22 what happens if the drive-through lane gets
23 backed up. Does having a second drive-through
24 lane operate -- to allow you to operate the
25 drive-through window more efficiently, if

1 there's a backup in one of the lanes?

2 A. It does. It allows overflow to go
3 into the secondary lane.

4 Q. And then, the point would be, when
5 the cones are placed there, the customer would
6 go into the other lane?

7 A. Correct.

8 Q. Okay. Now, another thing that
9 we've done, and we've agreed to with this board,
10 is that you have a location in Madison, New
11 Jersey. Are you familiar with that?

12 A. I built that store.

13 Q. So are you, then, very familiar
14 with -- there is a -- what I'll call a traffic
15 control light system.

16 A. Yes.

17 Q. Can you just describe what you
18 did -- what you did in Madison to the board?

19 A. Right. Basically, the town
20 requested that we put an open/closed signal at
21 the entry point, and a "do not block the box" at
22 the drive-through lane, so the stack won't go
23 beyond that point. When a car is stacked to
24 that sign, there's a sensor that turns the lane
25 closed. So, basically, our employee doesn't

1 have to go out there to do that.

2 Q. Now, this would be, then, the same
3 type of situation -- or control device that we
4 would be putting in this location. So you're
5 familiar, then, with how that would operate?

6 A. I am.

7 Madison, by the way, is the only
8 store that has that in the state. We don't have
9 another signal like that.

10 Q. Understood. Okay. Got it.

11 And then, you talked about a
12 detector. One of the questions the board has is
13 where would you locate that detector that would
14 sense when to close that lane?

15 A. It's like a garage. It's a
16 photocell. When a car's in front of it, there's
17 a switch, a relay switch, that turns it to open
18 or closed, or we can put a loop in the ground.
19 Either way -- there's many ways we can do that,
20 just so long as that's a relay. And the whole
21 point is, when a car's stacked to that point,
22 it's over the loop or into the photocell, and it
23 turns the lane closed.

24 Q. And in terms of the review of the
25 plan, the two lanes -- so if one lane gets

1 backed up, are you confident that there's
2 sufficient -- there would be sufficient capacity
3 in that second lane to continue to operate the
4 drive-through?

5 A. I'm pretty confident, yes.

6 Q. Is there ever a situation where you
7 close a drive-through?

8 A. If it overstacks, we could close
9 the drive-through. If there's a staffing issue,
10 we might close the drive-through, if we don't
11 have enough staff to operate the drive-through,
12 we'll close it.

13 Q. And how would that be accomplished,
14 same, with the cones?

15 A. We'd put cones and close the lane,
16 and some signage as well.

17 Q. Now, I've just been advised,
18 because I read Bloomberg, that Starbucks has a
19 new ordering system that is on the internet,
20 where you can order and pick up. Is that right?
21 What do you call that?

22 A. So it's called a mobile order
23 platform. I'm sure a lot of people have it on
24 their phones. It's an app. You order your
25 coffee or your product through the app. We have

1 parking stalls at the front of our store, which
2 we call quick park. People park in front of the
3 store, they go in, pick up their order, and
4 leave.

5 Q. And what's the impact of that on
6 your drive-through demand?

7 A. Well, it's been tremendous. I
8 mean, from post-pandemic, what we're seeing is
9 that the MOP percentage of sales is actually
10 very high, it's up to 40 percent, reducing our
11 drive-through percentage down to 50.

12 Pandemic -- pre-pandemic and pandemic, our
13 drive-through percentage business was up to 75
14 percent.

15 Q. And in terms of your actual
16 operation, what is your service time target
17 timeline for your customer? What's the time --

18 A. So if the customer goes to the --
19 orders the product, goes to the window, 45
20 seconds is the time waiting at the window.

21 Q. And that would be for each car,
22 then?

23 A. That would be for each car.

24 COMMISSIONER WEIDELI: Well, can --
25 that's once you get to the window, it's 45

1 seconds?

2 MR. CRUZ: Correct.

3 COMMISSIONER WEIDELI: So if you're
4 car number 13, you could be 12, 13, 14 minutes
5 away, then.

6 MR. CRUZ: Well, we count it from the
7 order point. So if you're at the order point,
8 you place your order, it's about five and a half
9 minutes from the order point. And you're talking
10 about the tail -- it would go 45 seconds to
11 that -- you know, yes.

12 COMMISSIONER WEIDELI: Okay. And
13 just to stop it one second, you talk about the
14 app -- before I forget my question later -- can
15 you order on the app and go to the drive-up, or
16 you have to physically go inside?

17 MR. CRUZ: You could. You could
18 order on the app and go through the
19 drive-through, which that time will be quicker
20 and the average will go down.

21 COMMISSIONER WEIDELI: Okay. Thank
22 you.

23 MR. CRUZ: Yep.

24 MR. KENT-SMITH: I have no further
25 questions. These were the questions that I had

1 written down from the last meeting that the board
2 wanted to have addressed.

3 CHAIRMAN FOOSE: Mr. Cruz, could you
4 describe your position more? When I hear
5 construction manager, I kind of think of a guy
6 wearing a hard-hat, and going out there and
7 talking cement trucks. Why don't you tell us
8 more about what you do for Starbucks and how it
9 relates to the planning and logistics.

10 MR. CRUZ: So it's a little bit more
11 than that. So what I do is total development,
12 from site recognition, budgeting, site design,
13 hiring the architects and engineers, hiring the
14 general contractor, to open. So from A to Z,
15 pretty much. It's just not managing the
16 construction site.

17 CHAIRMAN FOOSE: Okay. And you've
18 been with Starbucks for six years. Were you on
19 board when they constructed the Cranford
20 location?

21 MR. CRUZ: Cranford was built, I
22 think, 20 years ago.

23 CHAIRMAN FOOSE: John, what was the
24 location you mentioned today that the town had to
25 shut down for having a drive-through spillover?

1 MR. JAHR: I'm sorry, Chair, what'd
2 you say?

3 CHAIRMAN FOOSE: When we spoke on the
4 phone, you mentioned a Starbucks that had to be
5 shut down because it had a drive-through that was
6 spilling over.

7 MR. JAHR: The Cranford location had
8 significant challenges with the drive-through,
9 and the state and the town had worked with them
10 extensively.

11 CHAIRMAN FOOSE: Mr. Cruz, I guess
12 I'll just come clean and tell you where I'm at
13 here. So I got up this morning, and instead of
14 going to work, I went to the Madison Starbucks,
15 where I was greeted at 8:45 a.m., which,
16 according to Google is not your busiest time, but
17 I went there nonetheless.

18 I pulled up in the spot next to the
19 drive-through, and I saw your red light/green
20 light go and stop. When I pulled up this
21 morning, the queue was full, this sign was not
22 operational, and all the cars were spilling out.

23 And what makes Madison an interesting
24 location, it is a newer location, it is the only
25 Starbucks that has one of these logistical green

1 light/red light, which wasn't operational, but
2 what I found fascinating -- and according to your
3 traffic engineer, they were kind enough to,
4 basically, put 35 different Starbucks together,
5 and show us how much queue each location has. So
6 according to this map -- and I don't know if this
7 is right -- Madison is about 310 feet of queueing
8 space.

9 What I saw a lot of this morning,
10 aside from the nonfunctioning queue light, was a
11 lot of people didn't pull up to the next car in
12 front of them. So I saw a busy moms, busy dads,
13 basically, with one, two, even three car lengths
14 open in front of them. So what happened was, you
15 could have space for 25 cars, you could have
16 space for a 100 cars; if a quarter of the traffic
17 don't pull up to the car in front of them, you've
18 exceeded your available queue space.

19 In my 20s, I followed the Grateful
20 Dead, and that was a lot of fun, and it seems
21 like, this last two weeks, I've been following
22 Starbucks around New Jersey. Someone's going to
23 get killed at this location, because it's
24 different than every single one of these other
25 locations, because the queueing doesn't load from

1 the main thoroughfare.

2 So egress, in every one of these
3 situations, Piscataway, I visited, ingress is
4 from the side and loads from the back.

5 Madison, same. Chatham, ShopRite
6 road, 646, Route 646, loads from the back; has a
7 space for error. If these cars don't queue, it's
8 fine, they end up in the mall parking lot; they
9 end up in space already existing.

10 Flemington, times two, went to both
11 locations, Route 202/206, loads from the side,
12 doesn't load from the circle. Ingress not
13 affected if you're wrong.

14 South Brunswick, same exact
15 situation.

16 Green Brook, you get off Route 22 and
17 you've got to go to the side of the building;
18 it -- the drive-through loads from the back.

19 Time and time again, Oakland,
20 Hackettstown, East Brunswick, West Caldwell,
21 Skillman, Parsippany, Hillsborough.

22 Hillsborough's the really interesting one.

23 202/206, you come off, you make a left. Ingress
24 not affected. Loads from the back and has a
25 spillover to the side.

1 Every single location, 35
2 locations -- and you can take this if you want, I
3 don't need it anymore -- every single one of
4 these has space for error, except for
5 Bridgewater. If you're wrong, the cars back up
6 onto Route 22 East, and we know, from the last
7 case that we heard in front of this board, which
8 was a digital billboard, how absolutely dangerous
9 Route 22 East is as we approach 287 South.

10 So, Mr. Cruz, if your equipment and
11 your digital lights don't work at your Madison
12 location, and you don't have ingress here that is
13 not on the main road, how can we possibly have
14 safety, which is paramount to this board,
15 assurances?

16 MR. KENT-SMITH: Well, I -- that's
17 actually for our traffic engineer.

18 CHAIRMAN FOOSE: No, it's not. No,
19 it's not. Mr. Cruz just talked about his light
20 that he installed himself, and he was so proud.
21 He put the stake in the ground. This light's
22 going to work and it's going to make Bridgewater
23 better.

24 MR. CRUZ: That light is operational
25 right now, if you go by there. The switch was

1 off --

2 CHAIRMAN FOOSE: So why didn't --
3 why didn't it work at 8:45, and I was there until
4 9:35?

5 MR. CRUZ: They had a staff --

6 CHAIRMAN FOOSE: I watched car, after
7 car, after car, Mr. Cruz, back up into the lot.
8 So either you're full of crap, or you went and
9 somebody tipped you off?

10 MR. CRUZ: Did you --

11 CHAIRMAN FOOSE: Which is it, are you
12 full of crap or did somebody tip you off?

13 MR. CRUZ: Did you speak to the
14 manager when you were there, to ask why the light
15 wasn't working?

16 CHAIRMAN FOOSE: How do you know the
17 light wasn't working?

18 MR. CRUZ: I'm asking. You just told
19 me the light wasn't working.

20 CHAIRMAN FOOSE: Yeah.

21 MR. CRUZ: Did you go -- did you go
22 to the manager inside and ask them why the light
23 wasn't working?

24 CHAIRMAN FOOSE: No.

25 MR. CRUZ: Okay.

1 CHAIRMAN FOOSE: I don't know the
2 manager --

3 MR. CRUZ: Safety is paramount --
4 (Indiscernible cross-talk.)

5 CHAIRMAN FOOSE: All I know is that
6 we've had multiple witnesses, including
7 Kent-Smith, and now you, tell this board that you
8 had a light that was operational for safety, and
9 it wasn't on for an hour this morning.

10 MR. CRUZ: It's -- that particular
11 store -- I don't know what you saw there. I
12 wasn't with you.

13 CHAIRMAN FOOSE: I took pictures.
14 Would you like to see them?

15 MR. CRUZ: No, I --

16 CHAIRMAN FOOSE: I'm going to show
17 Mr. Kent-Smith and anyone else that would like to
18 see them. Here's your sign with no lights on it.
19 And if we swipe up, there's your timestamp. All
20 right? And then, I took one when I left too,
21 Mr. Kent-Smith, if you'd like to see it.

22 MR. KENT-SMITH: No, I trust you,
23 Mr. Chairman.

24 CHAIRMAN FOOSE: It's an hour later.

25 MR. CRUZ: Do you have a picture of

1 the queue --

2 CHAIRMAN FOOSE: Sure do.

3 MR. CRUZ: -- that -- the cars
4 stacked all the way to the back?

5 CHAIRMAN FOOSE: Absolutely do.

6 MR. CRUZ: This isn't the back of the
7 lane. This is halfway down --

8 CHAIRMAN FOOSE: That's where I was
9 standing. I was at the back of the queue.

10 MR. CRUZ: This is not the back of
11 the queue. It doesn't go all the way to the
12 outer point.

13 CHAIRMAN FOOSE: All right.

14 MR. CRUZ: Well, I can tell you it's
15 not the back of the lane. You have about three
16 cars beyond that to get to the back.

17 CHAIRMAN FOOSE: Well, they were
18 filled.

19 MR. CRUZ: It didn't fill up.

20 CHAIRMAN FOOSE: Well, Mr. Cruz, I
21 think the more important part here is your light
22 didn't work.

23 MR. CRUZ: The light's working now.

24 CHAIRMAN FOOSE: How do you know?

25 MR. CRUZ: Because I spoke to the

1 store manager about it.

2 CHAIRMAN FOOSE: Why would you speak
3 to the store manager about it, if you didn't know
4 it wasn't working until just now?

5 MR. KENT-SMITH: Mr. Cruz --

6 CHAIRMAN FOOSE: Mr. Cruz --

7 MR. KENT-SMITH: -- I understand, Mr.
8 Chairman --

9 CHAIRMAN FOOSE: You can answer the
10 question, Mr. Cruz.

11 MR. CRUZ: I was told it wasn't
12 working.

13 CHAIRMAN FOOSE: By who?

14 MR. CRUZ: I don't recall.

15 CHAIRMAN FOOSE: So, now, it works?

16 MR. CRUZ: It's working now.

17 CHAIRMAN FOOSE: Will it work
18 tomorrow?

19 MR. CRUZ: It will be on.

20 CHAIRMAN FOOSE: Will it work a week
21 from Thursday?

22 MR. CRUZ: It will be on.

23 CHAIRMAN FOOSE: Will it work in
24 Bridgewater?

25 MR. CRUZ: If you require one to be

1 there, it will work.

2 COMMISSIONER BONGIORNO: Do you know
3 why it didn't work this morning?

4 MR. CRUZ: The store manager
5 neglected to turn it on.

6 MR. FOOSE: How many other days did
7 they neglect to turn it on?

8 MR. KENT-SMITH: This is a good
9 point: Is there a way in which this can be done
10 automatically?

11 MR. CRUZ: We can override that
12 switch, and the store manager won't have anything
13 to do with it.

14 CHAIRMAN FOOSE: So, Mr. Cruz, when
15 you get it wrong in Madison, or Chatham, or
16 Flemington, or Hillsborough, or Green Brook, you
17 have room for error. When you get it wrong in
18 Bridgewater, you back up Route 22 East. And I
19 don't know where you live, but I don't know if
20 you've been the corridor --

21 MR. CRUZ: Can I make a statement? I
22 mean, you're making a statement. Can I make a
23 statement? I don't think --

24 CHAIRMAN FOOSE: I'm not done
25 speaking.

1 MR. CRUZ: Okay.

2 CHAIRMAN FOOSE: When you make an
3 error in each of those locations, there's a place
4 for the cars to go. In Bridgewater, when your
5 queue is filled up, because moms and dads are
6 busy with the backseat or not paying attention,
7 it spills onto Route 22 East. You have no room
8 for error.

9 MR. CRUZ: Are you done?

10 MR. KENT-SMITH: So to fix the
11 problem -- no statements -- to fix the problem,
12 you have indicated to this board that there
13 exists an ability to make this an automated --
14 automatic system, in which, then, the manual
15 would -- in case the automatic doesn't work, the
16 manual --

17 CHAIRMAN FOOSE: Mr. Kent-Smith, he
18 just told us he installed a light that was
19 automatic in Madison, but it wasn't turned on.

20 MR. KENT-SMITH: Well, what we're
21 trying to do is solve the problem, Mr. Chairman,
22 and the problem is human error.

23 CHAIRMAN FOOSE: Well, why don't you
24 solve the problems before you come in and take up
25 the board's time? So would you like a half hour

1 to fix your problems? Because this is a load of
2 crap.

3 MR. KENT-SMITH: Mr. Chairman, I
4 think, understood. May we have a recess?

5 CHAIRMAN FOOSE: Got it.

6 We're in recess for five minutes.

7 (Whereupon, there is a brief pause in
8 the proceeding.)

9 CHAIRMAN FOOSE: All right. Quick
10 roll call there, please, Roger.

11 MR. DORNBIERER: Mr. Foose?

12 CHAIRMAN FOOSE: Here.

13 MR. DORNBIERER: Mr. Weideli?

14 COMMISSIONER WEIDELI: Here.

15 MR. DORNBIERER: Ms. Amin?

16 COMMISSIONER AMIN: I'm here.

17 MR. DORNBIERER: Mr. Sweeney?

18 COMMISSIONER SWEENEY: Here.

19 MR. DORNBIERER: Mr. Fresco?

20 COMMISSIONER FRESCO: Here.

21 MR. DORNBIERER: Mr. Bongiorno?

22 COMMISSIONER BONGIORNO: Here.

23 MR. DORNBIERER: Mr. Gayeski?

24 COMMISSIONER GAYESKI: Here.

25 MR. DORNBIERER: Mr. Sicat?

1 COMMISSIONER SICAT: Here.

2 MR. DORNBIERER: Mr. Kulak?

3 COMMISSIONER KULAK: Here.

4 MR. DORNBIERER: Mr. Vescio?

5 COMMISSIONER VESCIO: Here.

6 MR. DORNBIERER: Mr. Gabbett?

7 COMMISSIONER GABBETT: Here.

8 MR. DORNBIERER: Mr. Oller?

9 MR. OLLER: Here.

10 MR. DORNBIERER: Mr. Burr?

11 MR. BURR: Here.

12 MR. DORNBIERER: Ms. Sarmand?

13 MS. SARMAD: Here.

14 MR. DORNBIERER: Mr. Jahr?

15 MR. JAHR: Here.

16 CHAIRMAN FOOSE: All right. We're

17 all here.

18 MR. KENT-SMITH: Thank you,

19 Mr. Chairman.

20 CHAIRMAN FOOSE: Yep.

21 MR. KENT-SMITH: So, unfortunately,

22 we didn't have a whole heck of a lot of time, but

23 we understand, Mr. Chairman, your and the board's

24 concern, which is paramount to you, from the way

25 I understand it, and that is --

1 CHAIRMAN FOOSE: It should be
2 paramount to you. It's safety. Why isn't this
3 getting through? I don't want people to die.

4 MR. KENT-SMITH: Understood. And our
5 testimony is they won't, and that it's an
6 adequate design. But you have the power to say
7 yeah or nay, and it's clear that you're not
8 satisfied, 100 percent.

9 CHAIRMAN FOOSE: I'm just one member.
10 I'm only one vote.

11 MR. KENT-SMITH: Well, I would trust
12 that the board -- and my sense of 35 years of
13 doing this is that your concerns are concerns not
14 just of yourself, but of the board in general.

15 CHAIRMAN FOOSE: Mr. Kent-Smith, this
16 board votes against me all the time, and I'm
17 proud of it. We don't ever talk. We don't
18 exchange emails. This board is independent. I
19 don't know how they're going to vote. I don't
20 want to know how they're going to vote. So I
21 take a lot of pride in the fact that we have a
22 lot of four-threes, five-twos, six-ones, and I'm
23 the one many, many times. And I'm okay with
24 that. So don't assume that.

25 MR. KENT-SMITH: Okay. Understood.

1 Understood.

2 However, the concerns raised are
3 concerns that, in the brief time that we had, we
4 believe we can evaluate an alternative option
5 that would address those concerns conclusively,
6 such that you, Mr. Chairman, raise in your own
7 discussion about other sites, how other sites
8 don't spill out onto the state highway, and have
9 no ability to obstruct the state highway. And
10 there are options that would enable us to do that
11 on this site. We cannot commit to anything right
12 now. We have to evaluate. We have to understand
13 what those -- what the implications of those
14 options would be.

15 But it is a significant concern,
16 obviously, Mr. Chairman, and if it's that
17 significant, we need to make certain that we can
18 propose, with this board, a solution that no one
19 on this board is going to be concerned relative
20 to impact on public safety.

21 CHAIRMAN FOOSE: Mr. Kent-Smith, I
22 talked a lot, I talked fast, I raised my voice,
23 but I want you to be very clear in some things:
24 I visited multiple Starbucks. Not a few. Like,
25 a lot. Almost --

1 MR. KENT-SMITH: No, I understand.

2 CHAIRMAN FOOSE: -- half of these. I
3 care about our town. And as a board member, I
4 don't want, on my conscience -- and worst of all,
5 I don't want a friend, a family member, getting
6 hurt.

7 MR. KENT-SMITH: Understood.

8 CHAIRMAN FOOSE: This case (sic)
9 hears a lot of Route 22 East applications, so
10 we're constantly bombarded with the fatalities on
11 Route 22 East. Doesn't mean there will be, but I
12 just want you to understand that the sites I went
13 to, which are not all of them on this, all had
14 room for error.

15 MR. KENT-SMITH: And this is why,
16 Mr. Chairman --

17 CHAIRMAN FOOSE: That's what I want
18 to leave you with.

19 MR. KENT-SMITH: No, but that's why
20 we, just in the short period of time that we had,
21 have identified options that there is no -- you
22 know, it's clear --

23 CHAIRMAN FOOSE: But you're talking
24 like you're blind-sided by this. And I want our
25 board professionals, Bill and Katherine, just to

1 get on the record really quick, because we ended
2 the last meeting with questioning from Bill and
3 from our planner Katherine about this very issue,
4 and you guys blew it off. And I thought --
5 honestly, I thought there was going to be a
6 revision coming into today's meeting.

7 Bill or Katherine, grab if mic, and
8 why don't you talk about lines of questioning at
9 the last meeting, the last Starbucks meeting, and
10 why don't you remind Mr. Kent-Smith the questions
11 you asked.

12 MS. SARMA: Sure. The last thing I
13 left with is a comment, and I think it was
14 carried over from a previous comment, was, I
15 think when you were here in March, I said I don't
16 know if those signs are going to work if they're
17 only at the entry point from 22, because people
18 can still come in from Morgan Lane and then
19 bypass any kind of closure, from a sign
20 perspective. You know, and then, the people
21 coming off of 22 are going to say they're going
22 to the drive-through, why can't I? And that
23 wasn't addressed at the last meeting.

24 At the last meeting, board members
25 asked questions, said what if the drive-through's

1 closed? Does someone manually have to go put a
2 one out there? Can we do a -- can there be a
3 lift gate or something like that?

4 And I said this is getting chaotic,
5 you know, this is starting to get to be levels of
6 needing to intervene for something, just to avoid
7 the issue off of 22. And my perspective was we
8 got to figure out something more streamlined.
9 I'm pretty sure that was my final statement, was
10 let's figure it out, and if there isn't a tool,
11 one tool, that will automatically happen, let's
12 look at the site design.

13 I understand plenty of time, plenty
14 of, you know, brilliant minds have gone into the
15 site plan, but there has to be another
16 opportunity to do exactly what the chairman said,
17 to redesign it so the overflow never looks to 22,
18 never even comes close to 22, because we
19 shouldn't -- we shouldn't even have that risk.
20 And the one -- the one time it happens, it should
21 never happen.

22 So let's look at the site design,
23 let's see how we can reconfigure the
24 drive-through, find queueing where it's in a
25 lane, but also has overflow elsewhere, in a safe

1 location. And that's what we've always asked.

2 MR. KENT-SMITH: I did not understand
3 your comment at the end of it, because I looked
4 through the transcript, and I did not -- it
5 didn't resonate to me to that level of concern;
6 rather, what we presented was, okay, here's an
7 answer to your question, the way I read it in the
8 transcript.

9 CHAIRMAN FOOSE: You also put on
10 testimony -- and I don't know which expert it
11 was -- that this light, open/close light -- would
12 be photovoltaic, and it would be automatic, and
13 --

14 MR. KENT-SMITH: And that's what you
15 heard tonight.

16 CHAIRMAN FOOSE: Except in Madison,
17 New Jersey.

18 MR. KENT-SMITH: Madison, it's the
19 first one, Mr. Chairman --

20 CHAIRMAN FOOSE: So, Mr. Kent-Smith,
21 I called Rich Oller. I was furious this morning.
22 I called him, and I said I don't think we should
23 let you know what went on, and I think I should
24 walk in tonight and blind-side you. He's the one
25 that talked me into calling you, and letting

1 him -- letting you know. So I'm sure you told
2 Mr. Cruz, and Mr. Cruz called Madison. Had that
3 not happened, I guarantee that light would be out
4 tonight. I guarantee that light would be out
5 tomorrow and the next day.

6 MR. KENT-SMITH: Understood.

7 CHAIRMAN FOOSE: So you owe
8 Mr. Oller, at a minimum, a holiday card, because
9 he didn't even want to --

10 MR. KENT-SMITH: I do. I understand,
11 I do. And -- but, Mr. Chairman --

12 CHAIRMAN FOOSE: We want to approve
13 this; we just want it safe.

14 MR. KENT-SMITH: And I -- and I hear
15 you, I do. What I didn't hear before, and I
16 don't think any of our other witnesses heard, was
17 the absolute zero probability of error versus
18 we've so over-designed this that we are very
19 comfortable at Starbucks, as a national company
20 that would be the first one to be sued for
21 anything, that we were comfortable --

22 CHAIRMAN FOOSE: You're a national
23 company that just fired your CEO, has a Wall
24 Street Journal article 10 days old talking about
25 the shitshow your app is, and how people show --

1 and I shouldn't be cursing, I apologize -- the
2 insanity the new app has caused. That was in the
3 Wall Street Journal, August 16th.

4 New York Post has 40-minute wait
5 times, on the front cover, of Starbucks, that was
6 July 24th.

7 June 10th, another article talking
8 about moshpits at Starbucks.

9 That's a national company doing this.
10 So it does happen. So to engineer to safety, and
11 to eliminate the tail risk, the 1 percent, I
12 think that's pretty reasonable in this case for a
13 national, hundred-billion-dollar company.

14 MR. KENT-SMITH: Understood, and
15 there are solutions; I just don't know which one
16 we can implement in the most effective manner.
17 But there are solutions.

18 CHAIRMAN FOOSE: I don't know that,
19 either. I'm not an expert in that.

20 MR. KENT-SMITH: There are. Just in
21 the time we looked, there are options that we
22 can -- it would be a comprehensive redesign.

23 CHAIRMAN FOOSE: And I'll tell you,
24 in the meantime, I probably will hit the rest of
25 the Starbucks that I haven't hit, to prove my

1 point, which is that the point of egress and the
2 drive-through spillover do not impact major
3 thoroughfares in any of these locations.

4 MR. KENT-SMITH: I understand that.
5 I absolutely understand that, Mr. Chairman.

6 So, at this juncture, if this board
7 would be so kind -- and I know you have been
8 patient beyond belief with this application, and
9 we appreciate that -- but please give us one last
10 shot to come back to this board with a redesign
11 that addresses conclusively your concern.

12 CHAIRMAN FOOSE: Why didn't you pull
13 the rip cord at 9:30 this morning, when Mr. Oller
14 called you, and we could have saved breakfasts,
15 and dinners, and all the headaches that were
16 missed today? I missed two meetings at work
17 today. I missed my breakfast. I missed my
18 family going off. All these guys missed their
19 dinner tonight. So you come here to have me yell
20 at you? What a waste of time this was.

21 MR. KENT-SMITH: I'm laughing, only
22 because, Mr. Chairman, I wish I was as persuasive
23 as you are, but I am not.

24 CHAIRMAN FOOSE: Mr. Smith, you're
25 pretty persuasive. I've seen you in action, sir.

1 MR. KENT-SMITH: I hear you loud and
2 clear, but I'm not as persuasive as you are. And
3 these fine folks who've come for this applicant,
4 quite frankly, needed to hear it from you. They
5 heard it from me already, but they really needed
6 to hear it from you. And I apologize to all of
7 you board members for taking your time, but this
8 did have the desired effect, Mr. Chairman, of
9 making us go back to make certain that there is a
10 100 percent, no-margin-for-error solution. And
11 we will pursue that.

12 And I apologize to the board for --
13 but, again, you may think I'm a persuasive guy,
14 but, you know, I have limits, in terms of my
15 persuasiveness. And I do appreciate the board's
16 time, I really do. This has been a difficult
17 application.

18 CHAIRMAN FOOSE: Any questions from
19 the board on the testimony we've --

20 COMMISSIONER WEIDELI: Yeah, I'm
21 going to add a little bit to -- not continue, but
22 I'm going to add a few comments to the overflow
23 to 22. I've lived in Bridgewater for a little
24 over 30 years. I live not far off of 22. I
25 drive that area probably about 30 to 40 times a

1 week, at minimum; probably half a dozen today.

2 When you're up further west, which is
3 a combination of Bridgewater and Somerville, and
4 there happens to be a Dunkin' Donuts there, my
5 friend owns the Exxon two doors down or three,
6 you have Taco Bell, Kentucky Fried Chicken, all
7 that, you have the mall traffic coming from the
8 far left at one point, you have the center left
9 lane, whatever you want to call it, and the right
10 lane.

11 When I drive the right lane, I never
12 get above 25, 30 miles an hour, because people
13 are coming in, they're coming out, in and out.
14 And I'm very courteous to people. So I'll let
15 them in. I have come in from where Immaculata
16 is, off from there under 22, people let you merge
17 in, they don't honk. If you're in the left lane,
18 you could be going 40, 45 miles an hour.

19 When you get down further, and you're
20 near the property you want the Starbucks on, and
21 the restaurant which will eventually open, my
22 speed is up to that 50, 55 miles an hour. You're
23 out of that big congestion area. I'm very
24 concerned that people are going to just zoom in,
25 do that, and then you start backing up on 22, you

1 have a real problem when you're going 50, 55
2 miles an hour. There's a difference between
3 going 25 and 30, and going 55 miles an hour.

4 And I intentionally drove it twice
5 today, to see that, and it would be -- in my
6 opinion, like Mr. Foose has said, it's a problem.
7 And I really want that on the record, that I -- I
8 seriously have a problem with that.

9 MR. KENT-SMITH: I appreciate the
10 comments.

11 COMMISSIONER BONGIORNO: I have a
12 question. Have there ever been any accidents,
13 either egressing or going into or out of
14 Starbucks in New Jersey?

15 MR. KENT-SMITH: I'm --

16 COMMISSIONER BONGIORNO: Either from
17 you or from our traffic guy.

18 MR. KENT-SMITH: I'm certain there
19 probably have been somewhere, but, again, I don't
20 -- I'd have to have my traffic -- and quite
21 honestly, I think the solution is to eliminate
22 that possibility. That, Mr. Chairman, I think is
23 your point. And there is a way to eliminate --

24 CHAIRMAN FOOSE: I think there's
25 always going to be accidents, and I don't mean to

1 give the impression that you can engineer out
2 stupidity. But what we can engineer out are
3 people not lining up, people not queueing. And I
4 appreciate the fact that this is going to be one
5 of the largest queueing drive-throughs of any
6 Starbucks in New Jersey, but, also, you need to
7 appreciate this is one of the busiest
8 thoroughfares in New Jersey.

9 MR. KENT-SMITH: And there is a
10 balancing that must occur. And I -- and trust me
11 when I say my folks needed to hear it from this
12 board. And I think we have. My point is that --

13 COMMISSIONER BONGIORNO: Did you have
14 something you wanted to add?

15 MR. JAHR: I wanted to make a small
16 request, though. In our review memo, there are a
17 few items that weren't yet covered in the last --
18 if we're going to come back another day, can we
19 request that they try to send a written
20 response --

21 CHAIRMAN FOOSE: Yeah, the New Jersey
22 DOT, even though I think Mr. Moschello said that
23 wasn't required, that's something I'd like to see
24 an effort in, because I think that would give
25 another layer of safety to this, and whatever

1 else you think is applicable here.

2 MR. JAHR: There's four or five
3 pretty important comments in our comment letter,
4 and I'd love to have the written response; this
5 way, it's much easier to cover at the next
6 meeting.

7 CHAIRMAN FOOSE: I agree.

8 MR. JAHR: I'm new to the application
9 a little bit, so when I read through it, there's
10 some technical stuff that would be helpful not to
11 have to go through the testimony on, if possible.

12 MR. KENT-SMITH: So what I would
13 suggest is that, we -- I think, virtually, every
14 solution that we're proposing would constitute a
15 pretty significant change to the application. I
16 think we're at a point now where I think I would
17 renotice it. Rather than carry it to a date
18 specific, why don't we just adjourn this, allow
19 us to take the time --

20 MR. OLLER: You probably need that
21 time, because you don't know how long your
22 redesign will take.

23 MR. KENT-SMITH: Bingo. Absolutely
24 correct. You know, and rather than just continue
25 to carry notice, I would renotice the

1 application.

2 MR. OLLER: That makes sense.

3 MR. KENT-SMITH: These would be
4 significant changes. This is not something
5 that's an easy fix, but it's a fixable problem.

6 MR. OLLER: Mr. Chairman, I agree,
7 that would make sense.

8 CHAIRMAN FOOSE: And, Mr. Kent-Smith,
9 if I could ask that -- this board heard a case
10 from Outfront Media a few years ago. It's not --
11 the digital billboard they requested was a
12 grandfathered billboard very close to your site.
13 There was excellent traffic testimony. There was
14 excellent safety information presented in that
15 case. I voted no for that; nonetheless, it was
16 still approved, and it was one of those cases
17 where the board was split.

18 And if you could just pull the
19 transcript -- and I have it, if you need it, I'm
20 happy to send it forward, you can get a hold of
21 Rich -- but it's something that -- it's a quick
22 read, quick case, but I think it may help you,
23 maybe, with some of these safety questions.

24 MR. KENT-SMITH: Absolutely. You got
25 it.

1 COMMISSIONER SICAT: Is it -- would
2 we have heard traffic testimony this evening?

3 MR. KENT-SMITH: Yes.

4 COMMISSIONER SICAT: Is it worth it
5 to still hear that testimony or no?

6 MR. OLLER: I don't think so.

7 MR. KENT-SMITH: Given the -- given
8 what we are -- in our time out, we considered,
9 relative to fixing this problem, it really does
10 redistribute the traffic substantially.

11 CHAIRMAN FOOSE: And I used your
12 traffic engineer's data for my argument tonight.
13 I mean, so, you know, I didn't make this up.
14 This all came from you.

15 MR. KENT-SMITH: Right. No, I
16 understand that. I understand it. What we're
17 looking at is a significant redesign that
18 would -- it would -- the traffic testimony would
19 be the same as it relates to Route 22, but it
20 would be much different relative to how
21 circulation works on the property.

22 CHAIRMAN FOOSE: I did not go to a
23 Starbucks that wasn't on this list from
24 Ms. Dolan.

25 MR. KENT-SMITH: Understood.

1 Understood.

2 CHAIRMAN FOOSE: New Jersey Starbucks
3 Drive-Through Lengths, 35 sites.

4 MR. KENT-SMITH: So I really would --
5 I would appreciate, Mr. Chairman, if we could be
6 given the time. And my suggestion is that this
7 is probably -- we're in the end of August?
8 Probably November. That -- and I would renotece
9 for whatever date, Mr. Chairman, the board wants
10 to set.

11 CHAIRMAN FOOSE: We actually have two
12 openings in November. November 12th and 26th are
13 both open, at this point, which is unusual. Now,
14 the 26th is Thanksgiving, but I don't know --

15 MR. KENT-SMITH: How about November
16 12th?

17 CHAIRMAN FOOSE: Why don't you pen it
18 in? I'll pen it in.

19 MR. KENT-SMITH: And, Mr. Oller, we
20 will redo the MLUL --

21 MR. OLLER: Just renotece for
22 November 12th.

23 MR. KENT-SMITH: So no need to carry
24 it, because we'll renotece.

25 MS. SARMAD: I would just request

1 that any documents for review for any of the
2 professionals come in at least two weeks
3 before --

4 MR. JAHR: Absolutely.

5 MS. SARMAD: -- preferably three
6 weeks, so we have time to get it distributed out.

7 MR. KENT-SMITH: Yep. Understood.

8 CHAIRMAN FOOSE: If there's nothing
9 else from the board and members of the public,
10 thank you.

11 MR. KENT-SMITH: Thank you,
12 Mr. Chairman. Apologize for having this be such
13 a short meeting.

14 (Whereupon, the hearing concluded at
15 7:51 p.m.)

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I, Michael Lombardozzi, a Notary Public and Certified Court Reporter of the State of New Jersey, do hereby certify that the foregoing is a true and accurate transcript of the testimony as taken stenographically by and before me at the time, place, and on the date hereinbefore set forth.

I do further certify that I am neither a relative nor employee nor attorney nor counsel of any of the parties to this action, and that I am neither a relative nor employee of such attorney or counsel and that I am not financially interested in this action.

Michael Lombardozzi,
Certified Court Reporter, State of New Jersey
CERT #: 30X100239700
Date: 10 Sep 2024

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