

**BRIDGEWATER TOWNSHIP
ZONING BOARD OF ADJUSTMENT
REGULAR MEETING MINUTES
MARCH 11, 2025
ADOPTED August 26, 2025**

CALL MEETING TO ORDER:

Chairman Foose called the meeting to order at 7:01 pm.

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 15, 2025, 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.

SALUTE TO FLAG: Chairman Foose lead the flag salute.

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		

Board Professionals in attendance were Board Attorney Rich Oller, Esq., Board Engineer William Burr, and Board Planner Katherine Sarmad.

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.

APPROVAL OF MINUTES

None

RESOLUTIONS

None

LAND DEVELOPMENT APPLICATIONS

Application #23-010-ZB; Bellie Holdings LLC; 19-21 Mount Pleasant Ave
Block 249, Lot 40

Summary: Proposal to construct townhomes consisting of "d" variances and bulk variances.

Mr. Richard Oller, Esq. announced that this application will not be heard.

This application will be carried to May 27, 2025 without further notice.

Application #23-023-ZB; Bridgewater Realty II LLC (Starbucks)
1288 & 1298 Rt. 22 & Morgan Lane; Block 222, Lot 6.01

Summary: Proposal to build a drive-thru fast-food restaurant, non-conforming use and make site modifications based on prior approvals consisting of preliminary & final major site plan, use variance and bulk variances.

This application has been carried to June 10, 2025 without further notice.

SEE ATTACHED TRANSCRIPTS

Application #24-005-ZB; 821 Bridgewater LLC and Jewish Community Center of
Somerset, Hunterdon & Warren; 821 & 831 Route 202-206; Block 477, Lots 45&46

Summary: Proposal to construct 64 [age-restricted] townhomes. D(1), D(4), D(5) Variances

This application will be carried to May 27, 2025 without further notice.

SEE ATTACHED TRANSCRIPTS

OTHER BOARD BUSINESS

The Board had no other business.

ADJOURNMENT

The Board unanimously voted to adjourn at approximately 10:29 pm.

Respectfully Submitted,



Maria DeSimone
Land Use Office Specialist

1 TOWNSHIP OF BRIDGEWATER ZONING BOARD
2 COUNTY OF SOMERSET - STATE OF NEW JERSEY

3 -----
4 REGULAR MEETING FOR:

5 BRIDGEWATER REALTY II, LLC (Starbucks)
6 BLOCK 222, LOT 6.01
7 1288 & 1298 Route 22 & Morgan Lane
8 *Preliminary & Final Major Site Plan*
9 *Use Variance, Bulk Variances*

10 APPLICATION NO. #23-023-ZB
11 -----

12 MUNICIPAL BUILDING
13 COUNCIL CHAMBERS
14 100 COMMONS WAY
15 BRIDGEWATER, NEW JERSEY 08807

16 -----
17 TUESDAY, MARCH 11, 2025

18 7:00 P.M.
19 -----

20 TRANSCRIPT OF PROCEEDINGS
21 PUBLIC HEARING

22 AB COURT REPORTING, LLC
23 Certified Court Reporters
24 26 Algonquin Terrace
25 Millstone Township, New Jersey 08535
Tel: (732)882-3590
angelabuonocsr@gmail.com

1 BOARD MEMBERS PRESENT:

2 JEFF FOOSE, CHAIRMAN
3
4 PUSHPAVATI AMIN
5 BRUCE BONGIORNO
6 ANDREW FRESCO
7 CHRIS GABBETT
8 JOHN GAYESKI
9 JOHN KULAK
10 JEFFREY SICAT
11 DONALD SWEENEY
12 CLAUDIO VESCIO
13 JAMES WEIDELI, Vice-Chairman

14 PROFESSIONALS AND STAFF PRESENT:

15
16 RICHARD L. OLLER, ESQUIRE, Board Attorney
17 Oller & Breslin, LLC
18 WILLIAM H. BURR, IV, P.E., Township Engineer
19 Township of Bridgewater
20 MAURICE RACHED, P.E., PTOE, Board Traffic Engineer
21 Colliers Engineering & Design
22 KATHERINE SARMAD, P.P., Board Planner
23 Sarmad Planning Group, LLC
24 NANCY PROBST, Land Use Administrator
25 Township of Bridgewater

26 STENOGRAPHICALLY REPORTED BY:

27 RONDA L. REINSTEIN, CCR No. 30X100217800

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

2

3 FOX ROTHSCHILD LLP

BY: HENRY L. KENT-SMITH, ESQUIRE

4 RYAN P. O'SULLIVAN, ESQUIRE

5 212 Carnegie Center,, Suite 400

Princeton, New Jersey 08540

6 T: 609.896.4584

F: 609.896.1469

Email: hkent-smith@foxrothschild.com

7 Email: rosullivan @foxrothschild.com

8 --Counsel for the Applicant

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A L S O P R E S E N T:

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18 MICHAEL TOBIA, P.P.

Community Planning Consultant

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25WITNESSESPAGEROBERT C. MOSCHELLO, P.E.
Gladstone Design, Inc.

12

ELIZABETH DOLAN, P.E.
Dolan & Dean Consulting Engineers, LLC

52

PUBLIC QUESTIONS AND/OR COMMENTS:NAMEADDRESSPAGE

Steven Singer 11 Kelly Court

100

E X H I B I T S

1		
2		
3		
4	<u>NO.</u>	<u>DESCRIPTION</u>
5		<u>PAGE</u>
6	A-10	Site Plan Rendering Prepared by Gladstone Design, Inc., Revision dated March 11, 2025
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1 CHAIRMAN FOOSE: Tonight is March 11,
2 2025. It is 7:05.

3 Adequate notice of this meeting was
4 provided in accordance with the Open Public Meeting
5 Act N.J.S.A. 10:4-6.

6 Specifically on January 15, 2025
7 proper notice was sent to The Courier News and The
8 Star Ledger and filed with the clerk at the township
9 of Bridgewater and posted on the municipal bulletin
10 board

11 Please be aware of the Zoning Board of
12 Adjustment policy for public hearings, no new
13 applications will be heard after 9:30. And no new
14 testimony will be taken after 10 p.m.

15 If you're able, please rise for the
16 Salute to the Flag.

17 (Whereupon, all rise for a recitation
18 of the Pledge of Allegiance.)

19 CHAIRMAN FOOSE: Hi, there, Nancy, if
20 we can get a roll call, please?

21 MS. PROBST: Chairman Foose?

22 CHAIRMAN FOOSE: Here.

23 MS. PROBST: Mr. Weideli?

24 MR. WEIDELI: Here.

25 MS. PROBST: Mrs. Amin?

1 MS. AMIN: Yes.

2 MS. PROBST: Mr. Sweeney?

3 MR. SWEENEY: Here.

4 MS. PROBST: Mr. Fresco?

5 MR. FRESCO: Here.

6 MS. PROBST: Mr. Bongiorno?

7 MR. BONGIORNO: Here.

8 MS. PROBST: Mr. Gayeski?

9 MR. GAYESKI: Here.

10 MS. PROBST: Mr. Sicat?

11 MR. SICAT: Here.

12 MS. PROBST: Mr. Kulak?

13 MR. KULAK: Here.

14 MS. PROBST: Mr. Vescio?

15 MR. VESCIO: Here.

16 MS. PROBST: Mr. Gabbett?

17 MR. GABBETT: Here.

18 MS. PROBST: For the record:

19 Katherine Sarmad is present, Board Planner; William
20 Burr, Board Engineer; Richard Oller, Board Attorney.

21 You have a quorum, you can proceed.

22 CHAIRMAN FOOSE: All right. Thank you
23 very much.

24 (Whereupon, the Zoning Board of
25 Adjustment conducts agenda items.)

1 CHAIRMAN FOOSE: So with that, we're
2 going to open up our Starbucks case.

3 And just to -- Mr. Kent-Smith, just to
4 let you know, we're going to divvy up the meeting
5 into two portions tonight. You'll get half and then
6 821 will get half. So good to see you again.

7 Welcome back.

8 MR. OLLER: And, Mr. Chairman, before
9 we do that --

10 CHAIRMAN FOOSE: Yes.

11 MR. OLLER: -- I want to announce
12 Bellie Holdings --

13 CHAIRMAN FOOSE: I'm sorry, Rich.
14 Go ahead.

15 MR. OLLER: So if there's anyone in
16 the audience tonight for the Bellie Holdings
17 application at 19-21 Mount Pleasant Avenue, that
18 application is not being heard this evening.

19 It instead is being adjourned to
20 May 27th at 7 p.m. in this room. And there'll be no
21 further notices from the applicant. Okay?

22 Thank you.

23 CHAIRMAN FOOSE: Thank you.

24 Now we're ready.

25 MR. KENT-SMITH: All right.

1 CHAIRMAN FOOSE: Good evening.
2 All yours.

3 MR. KENT-SMITH: Henry Kent-Smith,
4 firm of Fox Rothschild, on behalf of the applicant,
5 which is Bridgewater Realty.

6 This is the continued hearing on the
7 proposed Starbucks on Route 22 and Morgan Lane.

8 Just to remind everybody, this is now
9 the fifth hearing we've had on this application.

10 We started February of last year. We
11 had a hearing in March, one in May and one in
12 August.

13 So when we left in August, it was
14 clear to the applicant that there were concerns this
15 board had relative to the Route 22 ingress driveway,
16 the potential for stacking from the drive-through to
17 interfere with the free flow of traffic on Route 22.

18 As a result of those concerns, we went
19 back to our tenant, Starbucks, and then basically
20 said, if you really want this location, you're going
21 to need to close off that Route 22 ingress driveway.
22 And they have agreed to do that, notwithstanding the
23 fact that the driveway has a DOT permit and is, in
24 fact, in place on Route 22.

25 So we revised the plans in order to

1 eliminate that access driveway. And in so doing, we
2 now have free flow traffic along Route 22.

3 There are some additional plan changes
4 related to how we reconfigured the site in order to
5 eliminate that driveway. It caused us to go through
6 some internal site design elements, which we have
7 made and submitted to the board in December. We
8 were going to be heard in January. Unfortunately,
9 our notice didn't get published in the paper in
10 time, so that brought us to this hearing this month.

11 And so to continue this hearing
12 tonight, I have Mr. Moschello, who will testify on
13 the plan changes from a site plan design
14 perspective. I also have Elizabeth Dolan. She will
15 be testifying on traffic. And she has evaluated the
16 plans in light of the removal of the Route 22
17 driveway access. And then Michael Tobia, who is our
18 Professional Planner.

19 Given the time issues, we'll see how
20 far we get. Mr. Chairman, I believe that's about an
21 hour-and-a-half that I would have?

22 CHAIRMAN FOOSE: About 90 minutes,
23 right.

24 MR. KENT-SMITH: Okay. Okay. I just
25 want to make sure.

1 CHAIRMAN FOOSE: I mean, looking like
2 8:35-ish.

3 MR. KENT-SMITH: Okay.

4 CHAIRMAN FOOSE: But, you know, I'm
5 not going to cut you off the second with the
6 witness.

7 But we're going to try to finish up --

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

9 CHAIRMAN FOOSE: -- and put it into
10 two.

11 MR. KENT-SMITH: I just need to know
12 my pace.

13 CHAIRMAN FOOSE: This is a good pace.
14 I'm good with this.

15 MR. KENT-SMITH: So without any
16 further ado, Mr. Moschello, if you would please come
17 on up.

18 MR. OLLER: It's been a while, so let
19 me swear you again.

20 Would you raise your right hand,
21 please.

22 Do you solemnly swear that the
23 testimony you will give to this board will be the
24 truth, the whole truth, and nothing but the truth,
25 so help you God?

1 MR. MOSCHELLO: I do.

2 ROBERT MOSCHELLO, P.E.

3 265 Main Street, Gladstone, New Jersey, having
4 been duly sworn, testifies as follows:

5 MR. OLLER: Thank you.

6 And your full name for the record,
7 please.

8 MR. MOSCHELLO: It's Robert Moschello,
9 M-O-S-C-H-E-L-L-O.

10 And my business address is 265 Main
11 Street, Gladstone, New Jersey.

12 - - -

EXAMINATION

14 - - -

15 BY MR. KENT-SMITH:

16 Q. So, Mr. Moschello, at the request of
17 the applicant in response to the concerns raised by
18 the board, you did prepare a revised site plan that
19 has been submitted.

20 Can you just identify that for the
21 board?

22 A. That is correct.

23 Q. And just identify the plan.

24 A. Yes.

25 And so what I have this evening is a

1 rendered version of that site plan.

2 For the record, it is entitled "Site
3 Plan Rendering."

4 The original date was February 27th,
5 2024. And it's been revised through March 11th,
6 2025.

7 And for the record, I believe this is
8 A?

9 MR. OLLER: I'm up at A-10. I think?

10 MR. KENT-SMITH: Yes.

11 MR. MOSCHELLO: A-10.

12 MR. OLLER: A-10.

13 And would you put today's date on it
14 too, please.

15 - - -

16 (Whereupon, Site Plan Rendering
17 Prepared by Gladstone Design, Inc., Revised
18 Dated March 11, 2025 is marked as Exhibit
19 A-10 for identification.)

20 - - -

21 MR. MOSCHELLO: Okay. Excellent.

22 So utilizing this plan, I just want to
23 give everyone an overview of this property really
24 quickly.

25 Again, we have the Route 22 in the

1 east/west direction on the bottom of the page.
 2 Morgan Lane is on the east side of the
 3 plan going up-and-down direction, or north-south
 4 direction on the plan.

5 You've got the Starbucks property
 6 here, which is the -- I'll say the highlighted
 7 portion of the plan.

8 Then, of course, you have the
 9 Stonehouse Tavern or Taphouse tavern restaurant
 10 that's now open, I believe, or close to being open.
 11 And then the proposed hotel in the rear.

12 So from the last meeting until now, we
 13 had made some modifications to the site plan,
 14 focusing, number one, on removing the entrance that
 15 was on Route 22. So that's now been taken off the
 16 plan. It's no longer shown here. And we'll close
 17 off that entrance that was basically constructed as
 18 part of a DOT permit.

19 And we've relocated an entrance for
 20 the Starbucks on Morgan Lane, essentially, where the
 21 existing driveway on Morgan Lane is today. It's a
 22 right in only. There's no exit here. It's only a
 23 right in from Morgan Lane.

24 So if you're coming down Route 22 and
 25 you were to go past the main entrance to the

1 cars, depending on which direction those cars stack
 2 into that intersection.

3 So you back up to almost 30, 35 cars
 4 that can be stacked internal to the site and still
 5 allow for circulation around the -- around the
 6 property.

7 We also modified the parking lot
 8 configuration. We took some parking spaces that
 9 were on the south side of the lot here (indicating)
 10 by the entrance coming in off of the Morgan -- the
 11 Morgan Lane entry, and we took those spaces and we
 12 moved them internal next to the Starbucks building
 13 by shrinking down the size of the canopy that was on
 14 the building. We also reduced to number of outdoor
 15 seats from 40 down to 16.

16 By doing this, we were able to put
 17 nine parking spaces right next to the building for
 18 patrons to park there to access the building
 19 directly. We still have the spaces in the front,
 20 which are the ADA, and the pickup spaces we had
 21 previously for people who were just running in to
 22 pick up an online order. So they're still in the
 23 front. And we have some additional parking on -- on
 24 the east side as well.

25 We actually went from 33 spaces down

1 property -- that's -- that's located where my
 2 pointer is here (indicating) on the west side of the
 3 site, you will continue down then make the
 4 right-hand turn onto Morgan Lane and then a right
 5 into the -- into the property.

6 And then once you get to the
 7 intersection, you can make a left or you can make a
 8 right. There'll be signage there directing you
 9 accordingly to -- into the site.

10 And whether you wish to park your car
 11 in the existing -- in the proposed parking spaces or
 12 go into the drive-through lane, which now we've
 13 taken which was originally a two-lane drive-through
 14 and we've narrowed it down to a single drive-through
 15 lane with a bypass because we have the internal
 16 circulation now.

17 So, basically, that drive-through lane
 18 can hold between 15 and 16 cars from the pickup
 19 window back through past the menu board and down
 20 through the stacking lane until it gets to the
 21 intersection with the internal driveway. I'd say 15
 22 to 16 depending on the size of the vehicles.

23 Once you get past that intersection,
 24 you do have internal stacking within the property
 25 itself. You can at least hold another 15 to 16

1 to 31 spaces in this configuration that you see
 2 here.

3 So we lost two spaces. But given the required
 4 number of spaces for the Starbucks, which is, I
 5 believe, 13, this is more than adequate from an
 6 onsite parking perspective.

7 We also reduced the overall lot
 8 coverage. We went from 60.7, which was on the prior
 9 plan, down to 60.4, because of the slight reduction
 10 in impervious coverage by eliminating one of the
 11 drive-through lanes and consolidating some of the
 12 impervious parking area.

13 We also took the Starbucks building
 14 and moved it back 10 feet. So we were originally
 15 asking for a variance of 119.4 feet for a setback
 16 variance from Route 22. That number is now 129.4
 17 feet by moving the building back 10 feet further
 18 away from Route 22.

19 In terms of stormwater management, we
 20 did modify the front basin because we got rid of the
 21 drive -- the drive lane that was coming in and just
 22 modified it's volume slightly. It still has more
 23 than adequate volume to handle the impervious
 24 surfaces that are being proposed here. So there's
 25 no -- so there's really no change from stormwater

1 management, or site grading, or site utilities.

2 In terms of -- in terms of the loading
3 and deliveries, that remains unchanged, based on
4 what we presented previously. The trash enclosure
5 is still in the back. And we have the bypass lane
6 for delivery trucks that can be used.

7 And again, based on the testimony,
8 deliveries are in the late evening or early -- early
9 morning hours when the building is closed, so there
10 should be no issues with conflicts there.

11 The signage, as far as the signage on
12 the building and drive-through signage, all that
13 remains unchanged, except now because we have the
14 new single-lane drive-through with the internal
15 stacking, we've eliminated the signalized system we
16 originally had for the red light, green light, open,
17 close for drive-through now it will just function
18 like a standard drive-through where there's no sign
19 that would close the drive-through. If it was full
20 with 16 cars in it, they would just queue out onto
21 the internal driveway if that was the situation.

22 And then, lastly, in terms of one of
23 our design waivers for lighting, we did slightly
24 reduce the overall footcandles. We were asking for
25 a waiver for 2.4 -- 2.4 footcandles for the overall

1 parking levels, that went down slightly to 2.2 just
2 due to the reconfiguration of the impervious
3 surfaces on the site. But it just -- that went down
4 slightly. I just want to point that out for the
5 board.

6 And I believe that covers the majority
7 of the site plan modifications that we made.

8 So --

9 MR. OLLER: The 2.2 footcandles is
10 still a waiver?

11 MR. MOSCHELLO: It's still a design
12 waiver, correct.

13 MR. KENT-SMITH: Yeah, I think 1.5 is
14 the standard.

15 MR. MOSCHELLO: Yes, it is.

16 BY MR. KENT-SMITH:

17 Q. So just one last thing then,
18 Mr. Moschello, relative to the changes you've made,
19 that does not impact in any way your stormwater
20 management?

21 A. That is correct.

22 Q. And by eliminating the two parking
23 spaces up by the entrance that comes off the Morgan
24 Lane driveway, you've added some additional
25 landscaping?

1 A. We have added additional landscaping
2 in the southern area of the site here (indicating)
3 by eliminating those parking spaces.

4 MR. KENT-SMITH: Mr. Chairman, I don't
5 have any further questions for Mr. Moschello.

6 CHAIRMAN FOOSE: I know Mr. Weideli
7 does.

8 I have a couple.

9 So I was out there, I parked in the
10 Stone Tavern today. And there's a fire hydrant and
11 a utility pole that's to be moved, it says on the
12 plans.

13 So I'm assuming you're going to lose
14 about those six parking spaces. I'm just curious,
15 was that reflected in the last plan as well?

16 MR. MOSCHELLO: Yeah.

17 That's right here (indicating).

18 CHAIRMAN FOOSE: Okay.

19 MR. MOSCHELLO: Yeah, that was
20 reflected in the calculations.

21 CHAIRMAN FOOSE: And the spots to the
22 north, they're shaded on the plans. You're going to
23 lose those also? And those were also reflected in
24 the last plan?

25 MR. MOSCHELLO: No. These -- these

1 spaces --

2 MR. KENT-SMITH: No, those are there.

3 MR. MOSCHELLO: -- are all staying
4 along the -- along the limit here.

5 CHAIRMAN FOOSE: On the Stone Tavern
6 side.

7 MR. MOSCHELLO: Yes, Stone Tavern.

8 CHAIRMAN FOOSE: On the northern side
9 near the hotel, you had them shaded on one of the
10 sheets. And I want to make sure those parking
11 spaces are still in play?

12 MR. MOSCHELLO: Well, there's parking
13 spaces there now that are going to get modified when
14 the hotel gets built.

15 CHAIRMAN FOOSE: Right. Okay.

16 MR. MOSCHELLO: So, yes. So there
17 will be parking -- if you're looking at the Stone
18 Tavern, you've got the loading area behind it.
19 There will still be parking behind it, but it will
20 be when it gets reconfigured with the hotel.

21 CHAIRMAN FOOSE: I just want to make
22 sure that we're not forcing this project out of
23 compliance with the original planning board --

24 MR. MOSCHELLO: No, we're not. We're
25 still over by, I think, almost like 30 parking

1 spaces.
 2 CHAIRMAN FOOSE: That's my question.
 3 All right.
 4 Thank you.
 5 MS. AMIN: I have -- I have a question
 6 about how do the customers leave. Can you show us?
 7 MR. MOSCHELLO: They have a couple of
 8 --
 9 MS. AMIN: -- Route 22, or they go
 10 to...
 11 MR. MOSCHELLO: -- different options
 12 for leaving the property. So depending on whether
 13 you come out of the drive-through or you're going to
 14 leave your parking space, we have signage to
 15 generally -- and this was added on the plans -- to
 16 generally direct everyone.
 17 If they want to go 287, we have
 18 signage to direct them around the property back to
 19 the exit on 22. So if they come -- if they come out
 20 where the parking space is or the drive-through, if
 21 they want to get to 22, they can go this way to go
 22 out (indicating), or if they're in the parking
 23 spaces, they can either come around this way
 24 (indicating), or they can go, you know, around
 25 through the site if they want to get to 287.

1 If they're just going back to 22, they
 2 can also go out the Morgan Lane driveway to make
 3 that right onto 22.
 4 But they have that option, or they can
 5 come -- come this way. But there's -- there's
 6 additional signage to direct patrons once they're --
 7 once they're finished to get back out to Route 22 or
 8 287.
 9 MS. AMIN: So on to Morgan Lane,
 10 people can make a left turn from the property?
 11 MR. MOSCHELLO: People can make --
 12 from this Morgan Lane existing entrance that's there
 13 today, they can make a left turn to go down Morgan
 14 Lane. It's a no right turn going out that way.
 15 MS. AMIN: No right turn, okay.
 16 MR. MOSCHELLO: This is only an entry
 17 in. They cannot exit here.
 18 MS. AMIN: Uh-huh.
 19 CHAIRMAN FOOSE: Mr. Moschello, what
 20 can we do to make people not turn right there
 21 besides you stationing a police officer 24/7.
 22 MR. MOSCHELLO: We have made a minor
 23 modification to the curb line here (indicating) to
 24 increase the height of the curb there. So this way
 25 it would deter someone from making that turn.

1 But there's -- unfortunately, you
 2 can't make it perfect that if you're in a passenger
 3 vehicle, you can probably still make that maneuver.
 4 But we are trying to deter them with
 5 signage and adding additional curbing to prevent
 6 them from making that right-hand turn.
 7 MR. KENT-SMITH: That's in addition to
 8 what's there right now.
 9 MR. MOSCHELLO: That's correct.
 10 MR. KENT-SMITH: We're going to make
 11 it even more --
 12 MR. MOSCHELLO: Make it more
 13 pronounced.
 14 MR. KENT-SMITH: -- pronounced.
 15 CHAIRMAN FOOSE: It's very easy to
 16 turn right there.
 17 MR. KENT-SMITH: Oh, under existing
 18 conditions --
 19 MR. MOSCHELLO: Yes.
 20 MR. KENT-SMITH: -- Mr. Chairman, I
 21 agree.
 22 CHAIRMAN FOOSE: Yes.
 23 MR. MOSCHELLO: We're pulling this out
 24 another, I'll say, 3-and-a-half feet, give or take,
 25 and making it more of a pronounced curb there.

1 MR. KENT-SMITH: Like a real curb.
 2 CHAIRMAN FOOSE: Any chance of a solar
 3 lit sign on your property, no right turn, something
 4 lit, you know, with a solar panel on it? Just with
 5 a light, just something that -- we don't want people
 6 to turn right there.
 7 MR. KENT-SMITH: Yeah.
 8 We can actually do one with a little
 9 blinking light to it.
 10 CHAIRMAN FOOSE: I'm not an expert,
 11 maybe we can work with our planner --
 12 MR. KENT-SMITH: Yes. Yes.
 13 CHAIRMAN FOOSE: -- come up with
 14 something?
 15 MR. KENT-SMITH: Yes. The answer is
 16 yes.
 17 CHAIRMAN FOOSE: I don't want to
 18 create any more footcandles --
 19 MR. WEIDELI: I like that idea.
 20 CHAIRMAN FOOSE: -- but I also don't
 21 want to really create a situation where if you turn
 22 right here, you're going to get a ticket.
 23 MR. KENT-SMITH: The answer is yes.
 24 CHAIRMAN FOOSE: If we have the
 25 statute underneath it, you know, 124-4- whatever it

1 is, lit solar panel on top so it's always lit,
2 always flashing.

3 MR. KENT-SMITH: Yes.

4 CHAIRMAN FOOSE: I mean, I'm kind of
5 at a loss, maybe the board can come up with a better
6 idea.

7 And just, for sake of clarification,
8 the curb cut -- because I turned into the lot today,
9 it's already there. Your new entrance is already on
10 the property. There's a little bit of cement.
11 There's a pad there.

12 MR. MOSCHELLO: You're talking about
13 this one right here (indicating).

14 CHAIRMAN FOOSE: Yeah, yeah, yeah.

15 MR. MOSCHELLO: There is a curb cut
16 there today, yes.

17 CHAIRMAN FOOSE: And it's the same one
18 you're proposing?

19 MR. MOSCHELLO: Yes. You just can't
20 -- yeah, hopefully you didn't -- you didn't pull in
21 onto the --

22 CHAIRMAN FOOSE: I have a Jeep, so I
23 --

24 MR. MOSCHELLO: -- we can put a --

25 CHAIRMAN FOOSE: No, I went in on the

1 So, yeah, we'll certainly work with
2 your -- your staff, Mr. Chairman, and Members of the
3 Board.

4 CHAIRMAN FOOSE: I mean, how do we
5 stop caffeinated teenagers --

6 MR. KENT-SMITH: We'll do what we can
7 do --

8 CHAIRMAN FOOSE: -- from turning right?

9 MR. KENT-SMITH: -- make best efforts
10 to make sure that people don't turn right there.

11 MS. SARMAD: There's -- I think the
12 signage is good as a permanent method to maintain
13 that.

14 CHAIRMAN FOOSE: No red light, green
15 light signs.

16 MS. SARMAD: No red light, green
17 light.

18 CHAIRMAN FOOSE: All right.

19 MS. SARMAD: But what I would say is,
20 when they are -- if this is approved and they do
21 have a grand opening, probably for the first few
22 weeks is actually have a police officer enforce it
23 because if people get tickets when they do it,
24 they're not going to do it again.

25 So that's a way to kind of measure

1 grass. And I was --

2 MR. MOSCHELLO: You can pull in on the
3 grass.

4 CHAIRMAN FOOSE: Yeah.

5 MR. MOSCHELLO: But most people in a
6 car shouldn't be doing that.

7 CHAIRMAN FOOSE: I just wanted to
8 know, because I was trying to measure in terms of
9 safety --

10 MR. MOSCHELLO: Yes.

11 CHAIRMAN FOOSE: -- where I saw people
12 turning. Okay.

13 Thank you.

14 MR. MOSCHELLO: Yes. That entrance is
15 there today.

16 CHAIRMAN FOOSE: All right.

17 Any board ideas on how to get people
18 to not turn right.

19 MR. WEIDELI: You've got to put a sign
20 up that says no right turn.

21 MR. KENT-SMITH: That's what we were
22 talking about. We can make it, we can even put
23 flashing lights so people don't ignore it, and put
24 the code, you know, you'll get a ticket under this
25 code if you do this.

1 behavior, ticket it, and then hopefully it will, you
2 know, taper off and then stop.

3 MR. WEIDELI: Put a camera.

4 MS. AMIN: Yes.

5 CHAIRMAN FOOSE: Do you like that
6 idea.

7 MR. WEIDELI: Out a camera or
8 something.

9 MS. AMIN: I like that idea, yes.

10 MR. VESCIO: Regarding the signage,
11 you're kind of directing people more to the rear
12 there in front of the Hilton.

13 My only concern with that is you're
14 going to kind of force behavior to kind of go that
15 way. They're going to see an exit there. They're
16 going to kind of use that, you know, first exit they
17 see most -- potentially.

18 Why -- why are you showing this kind
19 of trying to direct traffic to exit through the rear
20 in front of the Hilton versus coming, you know, in
21 the front of the property?

22 MR. MOSCHELLO: No. We have the sign
23 here to tell them to go to 287. They can -- they
24 can go this way (indicating).

25 MR. VESCIO: Okay. That's fine.

1 MR. MOSCHELLO: Yea, you can go out
2 this way (indicating).

3 But if someone makes the right-hand
4 turn, I wanted to put a sign here (indicating) to
5 say to 287 --

6 MR. VESCIO: Okay. I --

7 MR. MOSCHELLO: -- go this way.

8 MR. VESCIO: I understood you were
9 explaining that the signage was going to direct
10 people primarily to the rear, then around in front
11 of the Hilton, then towards 22.

12 MR. KENT-SMITH: Only if they turn to
13 the right coming out of the drive-through.

14 MR. MOSCHELLO: Yes, so --

15 MR. KENT-SMITH: -- If they turn left,
16 the sign is going to say: 287 go to the main
17 driveway and turn there.

18 MR. MOSCHELLO: If they're at the
19 drive-through here (indicating) and they make --
20 they see the sign that's going to say 287 --

21 MR. KENT-SMITH: Go that way.

22 MR. MOSCHELLO: -- this way.

23 MR. VESCIO: That way? Okay.

24 MR. MOSCHELLO: If someone
25 inadvertently makes a right, I have a here

1 stopping that.

2 CHAIRMAN FOOSE: I mean that's
3 something, Katherine, you know, I just want to keep
4 people off Morgan Lane. And, you know, it's not
5 even just not making a right. I just would like to
6 take everybody out the Stone Tavern exit, get them
7 back onto 22, just because they have more time to
8 react to the crazy 287 merger.

9 MS. SARMAD: Unfortunately, I believe
10 that that curb cut was proposed as part of the
11 overall plan, right?

12 CHAIRMAN FOOSE: Yup.

13 MS. SARMAD: So we'd have to enforce
14 even -- if and when the hotel is built.

15 The same with the patrons from Stone
16 Tavern --

17 CHAIRMAN FOOSE: Right.

18 MS. SARMAD: Right?

19 So it's not just this application, so
20 we need to -- I think there has to be a
21 conscientious effort, like I said, about enforcement
22 of that.

23 It can't just be put up the sign and
24 hope it does its job.

25 I think maybe a stipulation that if it

1 (indicating) sign that says 287, go this way.

2 MR. KENT-SMITH: Right.

3 MR. MOSCHELLO: Just in case they --
4 they miss it the first time.

5 MR. KENT-SMITH: We're clearly trying
6 to get everyone to move towards the existing main
7 driveway.

8 MR. VESCIO: Yeah, I -- I -- I agree
9 with that.

10 I'm just trying -- I want to
11 understand, like, how we're going to influence
12 behaviors to kind of stay more to the front, because
13 that will direct them more directly to an exit.

14 MR. MOSCHELLO: That's why we're
15 putting a sign there --

16 MR. VESCIO: Okay. Okay.

17 MR. KENT-SMITH: Yes.

18 MR. VESCIO: Then I'm -- I'm fine with
19 that.

20 Thank you.

21 CHAIRMAN FOOSE: I mean, you could
22 theoretically get everybody out through the Stone
23 Tavern.

24 MR. KENT-SMITH: That's correct.

25 MR. MOSCHELLO: There's nothing

1 becomes an issue that they have to pay for the --
2 you know, the traffic cop to be there for a short
3 period, and intermittently as it becomes an issue,
4 to re-up it.

5 CHAIRMAN FOOSE: I think that's a good
6 issue.

7 We've had this -- and I've seen this
8 to happen with the town with Chick-Fil-A in
9 particular. They, you know, have a plan and
10 Chick-Fil-A ends up ruining the neighborhood. And
11 the town shuts it down.

12 So I think we need some sort of relief
13 mechanism if people start to overload Morgan Lane,
14 Mr. Kent-Smith, that we have to come back and -- and
15 talk about this.

16 What do you propose?

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

18 To me -- I have to talk to the client,
19 but I have done this on other applications where
20 we've proffered to compensate an off-duty
21 Bridgewater Police Officer to stand guard, so to
22 speak.

23 I mean, I've done this on other
24 applications.

25 CHAIRMAN FOOSE: Okay.

1 MR. KENT-SMITH: I don't have the
2 authority right now to say yeah, we'll pay. We've
3 got to discuss --

4 CHAIRMAN FOOSE: Yup.

5 MR. KENT-SMITH: -- you know, what's
6 the compensation and all that.

7 But it's typically an off-duty
8 Bridgewater Police Officer that we would station
9 there.

10 CHAIRMAN FOOSE: I don't think we're
11 going to finish tonight, so why don't we work on
12 that stipulation. We'll come back for the final
13 meeting.

14 MR. KENT-SMITH: Yes.

15 CHAIRMAN FOOSE: We'll put that in and
16 --

17 MR. KENT-SMITH: Yes.

18 CHAIRMAN FOOSE: -- you know, I think
19 that's a -- a good solution to kind of a rough
20 problem.

21 You know, because I want the
22 neighborhood to understand, we're working to keep
23 Morgan Lane like it is now.

24 MR. KENT-SMITH: We just do not want
25 to detract from the obligations and responsibilities

1 to come into the site. Let's start with the Stone
2 Tavern one first.

3 MR. KULAK: Okay.

4 MR. MOSCHELLO: So if they come in off
5 of 22, they make the right into the site here
6 (indicating).

7 They'll come to this intersection
8 (indicating). And there's a sign that's going to be
9 able to direct them to the left to the
10 drive-through.

11 And we're actually going to add -- you
12 see these chevrons on the plan (indicating)?

13 MR. KULAK: Yes.

14 MR. MOSCHELLO: Those are going to be
15 painted on the ground.

16 MR. KULAK: Yeah.

17 MR. MOSCHELLO: So there's typical
18 Starbucks chevrons for the drive-through.

19 So people will realize that that's the
20 way to travel down the front of the Stone Tavern,
21 then they'll make a right into the drive-through.

22 MR. KULAK: Okay.

23 MR. MOSCHELLO: If they come in --
24 let's say they miss the entrance.

25 They come in. They'll take that --

1 of the police department, so it's got to be an
2 off-duty officer.

3 CHAIRMAN FOOSE: The problem is we're
4 35 square miles. It's a big town.

5 MR. KENT-SMITH: Yeah.

6 CHAIRMAN FOOSE: But I love the fact
7 that, you know, some officer's going to get some
8 overtime. This might be a good way to -- to attack
9 it and fix a problem.

10 So you'll work with Katherine and with
11 Rich --

12 MR. KENT-SMITH: Yes.

13 CHAIRMAN FOOSE: -- on that
14 stipulation.

15 MR. KENT-SMITH: Yes.

16 CHAIRMAN FOOSE: Great.

17 MR. KULAK: Would you be able to
18 illustrate for me and for the audience somebody
19 coming in from Route 22, how they come in off Morgan
20 Lane and the circulation they would follow if
21 they're going through the drive-through, and then
22 similarly if they were coming in through the Stone
23 Tavern entrance, how they would integrate themselves
24 into the drive-through lanes?

25 MR. MOSCHELLO: So there's three ways

1 I'll say the off-ramp or the slight turn lane here
2 (indicating) and make that right turn onto Morgan
3 Lane. And they'll come in the entrance here
4 (indicating). And they'll be directed, same thing,
5 drive-through, make a right. They'll follow the
6 chevrons around and they'll enter into the
7 drive-through.

8 MR. KULAK: And when you have two
9 people arriving roughly at the same time, one is
10 making a left and one is making a right into the
11 drive-through, is that fair to say?

12 MR. MOSCHELLO: Typical -- well, this
13 one will be in the right lane turning in already,
14 they have the right-of-way. And one -- this car
15 will have to just wait to make the turn
16 (indicating).

17 MR. KULAK: Okay.

18 MR. MOSCHELLO: But there should be
19 minimal interaction here (indicating). That should
20 be relatively easy to do, you know, in terms of
21 vehicle interaction in the parking lot.

22 They'll be driving slow enough to do
23 that.

24 If they happen to miss this entrance
25 as well (indicating), so now they've missed the two

1 of them and they -- they realize, oh, I still want
 2 to get my coffee, they can come in this entrance
 3 here (indicating).
 4 MR. KULAK: Yes.
 5 MR. MOSCHELLO: And we have signage
 6 that can take them around either the back side here
 7 (indicating) to the drive-through, or they can also
 8 follow the signage into the parking lot here
 9 (indicating) and come around to the drive-through.
 10 MR. KULAK: Yeah, great.
 11 MR. MOSCHELLO: So they have that
 12 third option to come through this way (indicating).
 13 MR. KULAK: Thank you.
 14 MR. MOSCHELLO: You're welcome.
 15 MS. AMIN: Will there be a sign that
 16 tells them there's an entrance from Morgan Lane?
 17 MR. MOSCHELLO: There's no proposed
 18 sign here from Morgan Lane.
 19 The entrance sign is actually -- I
 20 shouldn't say entrance sign. The identification
 21 sign is out on Route 22.
 22 But by the time they get to this
 23 point, you can see the Starbucks. You come around
 24 the turn here (indicating), you can see the
 25 entrance. We don't feel the need to have a fourth

1 sign along the road --
 2 MS. AMIN: Yeah.
 3 MR. MOSCHELLO: -- to identify the
 4 entrance.
 5 You'll see the building and you'll see
 6 the site from there.
 7 MS. AMIN: Uh-huh.
 8 MR. GAYESKI: So the Starbucks sign
 9 will be after the entrance on 22.
 10 MR. MOSCHELLO: The Starbucks sign is
 11 after the first entrance here (indicating).
 12 MR. GAYESKI: There won't be any
 13 Starbucks sign there so --
 14 MR. MOSCHELLO: There's an existing
 15 billboard sign there now that does have a placard --
 16 MR. GAYESKI: Right.
 17 MR. MOSCHELLO: -- that may end up
 18 getting a Starbucks plaque on it. It's an empty
 19 space on the identification sign.
 20 But we are still proposing an
 21 additional sign here (indicating) in front of the
 22 Starbucks building on the plan.
 23 MR. GAYESKI: So you're saying the
 24 Morgan Lane entrance as the primary entrance to the
 25 Starbucks, is that safe to say?

1 MR. MOSCHELLO: No. We're actually --
 2 MR. GAYESKI: Preferred?
 3 MR. MOSCHELLO: -- quite frankly -- I
 4 mean, again, depending on the traffic distribution.
 5 I don't want to get into the traffic engineer's
 6 testimony on how that would work.
 7 You've got two main entrances --
 8 actually, you have three, the 22 and the two on
 9 Morgan Lane. And it just depends on which way --
 10 which one the customer decides to use.
 11 I would think, my own opinion would
 12 be, they would probably come in 22 first, once they
 13 get used to it being there, for some customers.
 14 But there's no one -- I wouldn't call
 15 any one a primary entrance. They're all --
 16 MR. GAYESKI: Well, the signage would
 17 kind of lend itself to indicate -- you know, if
 18 you're not familiar with it and it -- you know, the
 19 primary, the large sign is after that entrance right
 20 on 22, then Morgan Lane's going to be the one most
 21 commonly used by people that weren't there.
 22 MR. MOSCHELLO: Correct.
 23 MR. GAYESKI: Right.
 24 MR. MOSCHELLO: They would --
 25 first-time visitors would probably use the Morgan

1 Lane entrance.
 2 CHAIRMAN FOOSE: All right. Any other
 3 board questions?
 4 Rich, you good.
 5 MR. OLLER: I'm good.
 6 CHAIRMAN FOOSE: Board professionals?
 7 MS. SARMAD: Thank you, Mr. Chairman.
 8 Just a few questions, I think a lot of
 9 the -- the items that were raised in my report were
 10 covered by Mr. Moschello.
 11 But I did raise one question about the
 12 signage. And if you are deferring to the planner,
 13 that's fine.
 14 I just wanted to address it as far as
 15 the site plan.
 16 There's -- there's three signs, the
 17 menu boards essentially, that are not captured
 18 within the signage package as far as it relates to
 19 the actual allowances per the ordinance.
 20 So I wanted to see how to treat them.
 21 I wanted to make sure that if it was a variance that
 22 was required that it gets covered now.
 23 You know, one of them is quite large.
 24 One of them is almost 30 square feet.
 25 I think a pre-menu order board is

1 9 square feet. And then the one with the canopy, I
2 believe, is like 9 square feet plus the canopy.

3 So I just wanted to address those and
4 see if they were -- how we -- how we should treat
5 those.

6 MR. KENT-SMITH: They're all still
7 proposed, right?

8 MR. MOSCHELLO: Yes.

9 MR. KENT-SMITH: So we had originally
10 gone through, gosh, probably the second hearing, we
11 went through the sign package.

12 And our planner, Mr. Tobia, is going
13 to go through each of the variances for each of the
14 signs in terms of planning.

15 MS. SARMAD: Okay.

16 MR. MOSCHELLO: But we didn't count
17 them -- just to Henry's point. We didn't count them
18 as square footage because they were -- they were the
19 menu board signs and they weren't identification
20 signs as to the property or directional signs for
21 signage.

22 So you'd only get to them when you get
23 up to the drive-through. So they weren't -- they
24 weren't counted in that original square footage
25 number on the plans.

1 MR. MOSCHELLO: The canopy here
2 (indicating).

3 You're talking about this canopy here
4 on the plan (indicating).

5 MS. SARMAD: Correct.

6 MR. MOSCHELLO: The one in the back,
7 correct?

8 MS. SARMAD: Correct.

9 MR. MOSCHELLO: Yeah, it's about --

10 MS. SARMAD: But because it's internal
11 to the condo -- to the overall lot, I don't believe
12 any actual variance relief for the lot would be
13 required.

14 It's just capturing it as internal to
15 the condo lot on the zoning table.

16 MR. MOSCHELLO: Okay. Yeah.

17 Because it fits within the setbacks of
18 the actual property, itself.

19 MS. SARMAD: Right. Correct.

20 MR. MOSCHELLO: We can identify it.
21 We can identify it on the zoning table.

22 MS. SARMAD: Yeah.

23 I think that'd be helpful just to get
24 it in there.

25 MR. MOSCHELLO: Okay.

1 MS. SARMAD: Okay.

2 Again, my -- my concern -- and I don't
3 want to beat signage to death when we have limited
4 time, but it's that it's almost what, like, 45
5 square feet of signage and it could get out of hand
6 if they ever came back for new signage. What's the
7 limitation there? Is there a limitation?

8 So I'd rather -- I think that they're
9 really ground-mounted signs. They're digital
10 ground-mounted signs.

11 Capture them in the signage package in
12 the allowances and address them as if it's a
13 variance. It's a variance --

14 MR. MOSCHELLO: Got it.

15 MS. SARMAD: -- based on ground-mounted
16 signage allowance.

17 In a similar vein, that canopy over
18 the ordering point, I don't believe was -- the
19 setback was addressed at least internally to the
20 condo lot as an accessory structure, but it probably
21 should.

22 And just eyeballing it, it looks like
23 it's 30 -- 38 feet or so.

24 I don't think that there's any relief
25 required.

1 MS. SARMAD: I -- for now, I don't
2 think I have anything else for this witness.

3 CHAIRMAN FOOSE: All right. Thank
4 you.

5 Mr. Burr?

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

7 Rob, just a couple of questions. The
8 existing -- or the -- the proposed building in no
9 way changes in size, correct?

10 MR. MOSCHELLO: It's still the same
11 size as before.

12 MR. BURR: The building, itself, is
13 the -- is the same? We talked about -- or you
14 talked about the canopy --

15 MR. MOSCHELLO: Yeah.

16 MR. BURR: -- reducing in size for the
17 outside seating --

18 MR. MOSCHELLO: Correct.

19 MR. BURR: -- correct?

20 And that was originally proposed at 40
21 seats, now it's down to 16.

22 MR. MOSCHELLO: That is correct.

23 MR. BURR: Okay.

24 And the prior plan showed two drive
25 aisles, now you're proposing just one.

1 And the rationale behind that is
2 there's more stacking provided internal on the site
3 such that you don't need two drive aisles.

4 MR. MOSCHELLO: That is correct.

5 So the two drive aisles had about 24,
6 25 cars. Now because we have the internal drive
7 lanes and not the driveway out to -- directly to 22,
8 we can stack at least another 14, 15 cars internal.

9 So we actually get more stacking than
10 having the double drive-through lane.

11 MR. BURR: And there's no longer a
12 need for the drive aisle indicator light, the on --
13 the open closed light, that was --

14 MR. MOSCHELLO: That's correct.

15 MR. BURR: That's off the --

16 MR. MOSCHELLO: That's off the table
17 now.

18 MR. BURR: Okay.

19 MR. MOSCHELLO: It's just standard
20 signage identifying the drive-through and how to get
21 to it.

22 MR. BURR: Do you know if the fire
23 official reviewed this latest plan and --

24 MR. MOSCHELLO: He did --

25 MR. BURR: -- and was he satisfied.

1 MR. MOSCHELLO: I believe it was
2 60.8 percent.

3 MR. BURR: 60.8, Your prior plan was
4 60.7. Now you're at 60.4.

5 MR. MOSCHELLO: Correct, yeah.

6 MR. BURR: Okay.

7 MR. MOSCHELLO: We're only talking,
8 you know, maybe 1,000, 1,200 square feet in total,
9 but it does bring that percentage down.

10 MR. BURR: But the point being is
11 you're lower now than you were at the prior
12 approval?

13 MR. MOSCHELLO: Correct.

14 MR. BURR: And the drainage that's
15 proposed is still sufficient.

16 MR. MOSCHELLO: That's correct.

17 MR. BURR: Obviously with a lower
18 amount --

19 MR. MOSCHELLO: With the change --
20 actually with the change in the driveway, moving it
21 from 22 to Morgan Lane, we actually picked up
22 slightly more base and volume, like maybe, 2,
23 3 percent --

24 MR. BURR: Right.

25 MR. MOSCHELLO: Because it -- it moved

1 MR. MOSCHELLO: His only comment was
2 about an FDC connection.

3 But the building under, from what the
4 architect testified to, said it doesn't require a
5 sprinkler system per code.

6 So we wouldn't have an FDC connection.

7 MR. BURR: Okay. But in terms of the
8 layout --

9 MR. MOSCHELLO: Yeah, he didn't have
10 any other comments.

11 MR. BURR: -- he had no further
12 comments.

13 MR. MOSCHELLO: He had no further
14 comments, yeah.

15 Because him and I -- I spoke with him
16 a while ago about the access around the building.
17 He was -- he was satisfied with that.

18 MR. BURR: We heard your testimony
19 that stormwater does not change, lot coverage though
20 decreases slightly.

21 MR. MOSCHELLO: That's correct.

22 MR. BURR: I'm going to go back into
23 your memory back for a second: Do you remember what
24 the coverage -- the approved coverage, was as part
25 of the original site plan?

1 to the -- to the high side over here (indicating).

2 MR. BURR: Okay. Very good.

3 Thank you.

4 MR. MOSCHELLO: You're welcome.

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

6 CHAIRMAN FOOSE: Thank you, Bill.

7 Maurice? I want to address the board
8 to Maurice Rached from Colliers Engineering, our
9 traffic engineer.

10 If you have any questions, now is the
11 time.

12 MR. RACHED: No questions at this
13 time. I will wait for the traffic engineer.

14 Thank you.

15 CHAIRMAN FOOSE: Beautiful.

16 Thank you.

17 I want to open it up to --

18 MR. KULAK: I have one additional
19 question for you, before we go on.

20 Would you just cover how if we lost
21 any pedestrian access or how you've addressed
22 pedestrian access in light of the redesign?

23 MR. MOSCHELLO: So pedestrian
24 connectivity is generally the same as it was before.

25 We have, of course, the sidewalk and

1 patio in front of the Starbucks building.
 2 We now actually added these nine
 3 spaces to the west of the building (indicating), so
 4 those spaces and those patrons have direct access to
 5 the sidewalk to the front of the building where we
 6 didn't have those before.

7 We still have the sidewalk that goes
 8 out the back of the site, across the crosswalk, and
 9 then splits in the east and west direction towards
 10 the hotel site.

11 So if I want to go to the hotel, I can
 12 go to the west, cross the street here (indicating).
 13 And it'll eventually connect to the hotel sidewalk
 14 system.

15 If I want to go out to Morgan Lane, I
 16 have two crosswalks that are at the intersection
 17 here (indicating). And that will take you out to a
 18 sidewalk that connects to the existing sidewalk in
 19 Morgan Lane.

20 And then there is a small crosswalk
 21 here (indicating) in front of the drive-through for
 22 these parking spaces on the east side of the
 23 building. And that hasn't changed.

24 MR. KULAK: Okay. Great.

25 Thank you.

1 MS. DOLAN: Elizabeth Dolan,
 2 D-O-L-A-N.

3 MR. OLLER: Thank you.

4 - - -

5 E X A M I N A T I O N

6 - - -

7 BY MR. KENT-SMITH:

8 Q. Ms. Dolan, if you would be so kind as
 9 to give your the board your professional
 10 credentials, including your education, licenses held
 11 and qualifications relative to prior acceptance as
 12 an expert in the area of traffic engineering?

13 A. Yes.

14 I have a Bachelor of Science degree in
 15 Civil Engineering from Rutgers.

16 I am a licensed Professional Engineer
 17 registered and in good standing in New Jersey.

18 I'm also licensed in neighboring
 19 states.

20 For 39 years I've focused in the
 21 traffic engineering industry.

22 And I have testified in over 300
 23 municipalities throughout New Jersey and been
 24 accepted as an expert in traffic engineering, both
 25 representing applicants as well as reviewing

1 MR. MOSCHELLO: You're welcome.

2 CHAIRMAN FOOSE: We're going to open
 3 up to members of the public that have questions on
 4 the testimony you've heard from Mr. Moschello.

5 (No Response.)

6 CHAIRMAN FOOSE: All right. Seeing
 7 none, we're going to close that portion.

8 Thank you for the update.

9 MR. MOSCHELLO: Thank you very much.

10 MR. KENT-SMITH: Thank you, Rob.

11 My next witness is Elizabeth Dolan.

12 If you would please come up.

13 MR. OLLER: Ms. Dolan, would you raise
 14 your right hand?

15 Do you solemnly swear that the
 16 testimony you will give to this board will be the
 17 truth, the whole truth, and nothing but the truth,
 18 so help you God?

19 MS. DOLAN: Yes, I do.

20
 21 E L A Z I B E T H D O L A N, P.E.,
 22 181 West High Street, Somerville, New Jersey,
 23 having been duly sworn, testifies as follows:

24 MR. OLLER: And your full name for the
 25 record, please.

1 applications on behalf of planning and zoning
 2 boards.

3 I'm also a member of the Institute of
 4 Transportation Engineers and the American Society of
 5 Civil Engineers.

6 Q. And you've been qualified and accepted
 7 as an expert?

8 A. Yes, I have.

9 CHAIRMAN FOOSE: Is your firm in
 10 Martinville, or is it in Somerville?

11 MS. DOLAN: We're now in Somerville.
 12 Well, now. About ten years it's been, 181 West High
 13 Street.

14 CHAIRMAN FOOSE: Ten years.

15 MS. DOLAN: I think so.

16 CHAIRMAN FOOSE: Thank you very much.
 17 The board accepts you as a licensed
 18 professional traffic engineer, is that correct?

19 MS. DOLAN: Yes.

20 MR. KENT-SMITH: Yes. Thank you,
 21 Mr. Chairman.

22 CHAIRMAN FOOSE: And who is the
 23 licensing authority over traffic engineers, Mr. Kent
 24 Smith.

25 MS. DOLAN: So it's the state board --

1 CHAIRMAN FOOSE: Mr. Kent-Smith.
 2 MS. DOLAN: Oh, I'm sorry.
 3 CHAIRMAN FOOSE: Whoever, whoever.
 4 MR. KENT-SMITH: It is a licensure
 5 under the state board credential system. I don't
 6 know what the statute number is.
 7 MS. DOLAN: I don't know the statute
 8 number.
 9 It's the State Board of Professional
 10 Engineers & Land Surveyors.
 11 CHAIRMAN FOOSE: So it is -- it's
 12 board engineers.
 13 MS. DOLAN: Yes, yes.
 14 I'm a licensed Professional Engineer,
 15 and I specialize in traffic engineering.
 16 CHAIRMAN FOOSE: So I want to ask this
 17 now before testimony because it has nothing to do
 18 with anything.
 19 It's merely for my education.
 20 When something goes wrong, and you
 21 testify as a traffic engineer, how do boards handle
 22 it?
 23 How do boards go back to an engineer,
 24 whether it's traffic, whether it's a survey, whether
 25 it's any sort of a traffic engineering, and a

1 traffic engineer makes a proclamation on the record
 2 into a microphone and it gets transcribed, how does
 3 a board, or a municipality, or a state have an
 4 ability to go and have a corrective action, to have
 5 that board professional that testified, that put
 6 their license on the line, that made a mistake
 7 theoretically -- and this has nothing to do with you
 8 -- how does -- how does a board handle that? How
 9 does a municipality handle that?
 10 MS. DOLAN: I think some boards --
 11 well, in my experience, some planning and zoning
 12 boards have put conditions on applications. Because
 13 traffic engineering is not an exact science. We're
 14 making projections and estimates of driveway volumes
 15 and parking demands.
 16 So sometimes we're asked to come back
 17 and study the post-occupancy maybe six or twelve
 18 months after a site opens, count and see if the
 19 driveway projections were within a realistic
 20 estimate, check and see if the parking demands were
 21 close to what had been estimated.
 22 And then, of course, the boards have
 23 their own professionals to rely on and review our
 24 work.
 25 Oftentimes, like in this application,

1 we've got the state level, we had to make
 2 submissions. And I'll be testifying to that
 3 tonight. Or in many applications, the county. So we
 4 have those additional layers.
 5 But in my experience to come back and
 6 check the projections is something that is written
 7 into a resolution.
 8 CHAIRMAN FOOSE: I guess that's it for
 9 now.
 10 Thank you very much. That was a good
 11 answer.
 12 MS. DOLAN: You're welcome.
 13 DIRECT EXAMINATION
 14 BY MR. KENT-SMITH:
 15 Q. So, Ms. Dolan -- Ms. Dean -- Ms. Dolan,
 16 did you undertake an analysis of the projected
 17 traffic impact associated with this proposed
 18 development?
 19 A. Yes, we did.
 20 And our latest report is revised
 21 December 20, 2024.
 22 Q. And the December 20, '24 submission and
 23 revision to the Traffic Impact Analysis accounts for
 24 the plan changes that are before the board tonight?
 25 A. That is correct.

1 And the board had at that time a
 2 different engineering company reviewing the traffic.
 3 That was Bright View.
 4 So some of the updates to the traffic
 5 study had been made to address Bright View's last
 6 review for this application.
 7 CHAIRMAN FOOSE: And, just for the
 8 record, Bright View, when we had the annual
 9 roll-over, we appointed Colliers and Maurice, as you
 10 can see here, to --
 11 MS. DOLAN: Right.
 12 CHAIRMAN FOOSE: -- I think, both land
 13 use boards in --
 14 MR. KENT-SMITH: Understood.
 15 CHAIRMAN FOOSE: -- Bridgewater.
 16 MR. KENT-SMITH: Yes.
 17 Mr. Oller, do we need to mark the
 18 traffic report as a separate...
 19 MR. OLLER: We do not, no.
 20 MR. KENT-SMITH: Okay.
 21 MR. OLLER: It's in the record.
 22 MR. KENT-SMITH: Okay. I just want to
 23 make sure.
 24 BY MR. KENT-SMITH:
 25 Q. All right. So, Ms. Dolan, did you in

1 your analysis -- just describe to the board what it
2 is you looked at.

3 A. Sure.

4 As I said, this was a revised report.
5 It had been revised previously. The initial
6 submission was from April 2024.

7 Then we had a July 2024 update. The
8 last and final revision is December 20, 2024.

9 And that latest revision is based on
10 the site plan changes that Mr. Moschello just
11 reviewed with you and was generally consistent with
12 the prior versions.

13 But, as I said, it had been expanded
14 to include additional information that had been
15 requested in the Bright View review letters.

16 Q. And as part of this analysis, does that
17 include doing counts of traffic on the adjoining
18 road system?

19 A. Yes, we had initially performed
20 morning and evening weekday traffic counts at Morgan
21 Lane and Route 22 eastbound.

22 And as part of the Bright View review,
23 they had asked for a Saturday analysis as well.

24 So the traffic counts performed by our
25 office specifically for this application go back to

1 March 2024.

2 We counted from 7 to 9 in the morning.
3 That's the peak period. We isolate the peak hour.
4 And then 4:00 to 6:30 in if evening.

5 And even though Starbucks is more of a
6 morning generator, we did perform the analysis
7 during the evening peak hour as well.

8 And then we updated the counts in June
9 before school ended to capture the Saturday peak
10 period. And that's generally late morning, early
11 evening.

12 So from these traffic counts, we
13 isolated the highest one-hour volumes. And those
14 were recorded from 7:30 to 8:30 in the morning on a
15 weekday; 4:00 to 5:00 p.m. weekday; and then the
16 Saturday highest hour counted was from 12:00 noon to
17 1:00 p.m.

18 Q. So then based on that analysis, do you
19 then project the traffic anticipated from this
20 proposed use onto the road system?

21 A. That's right.

22 And that's what I was saying earlier,
23 it's not an exact science. But we have the actual
24 counts as the foundation of the report. Those are
25 collected traffic volumes. We isolate the one peak

1 hour. And then we estimate the driveway volumes.

2 And for the Starbucks with
3 drive-through, there is an Institute of
4 Transportation Engineers land use.

5 It's called coffee/donut shop with
6 drive-through. And like any of the other land uses
7 in the ITE Trip Generation Manual, the trip rates
8 are based on counts conducted at actual facilities,
9 in this case Starbucks, Tim Horton's and most
10 notably Dunkin.

11 And so there's a category without
12 drive-through and with drive-through. The numbers
13 are somewhat comparable.

14 But for our DOT part of this analysis,
15 we are obligated to use these ITE peak hour rates.

16 And using those, we estimate a total
17 of 212 trips during the busiest one hour in the
18 morning. And that's 108 in and 104 out, again based
19 on the data that's been compiled by ITE and been
20 submitted by traffic engineers like our office.

21 So 212 is the morning peak hour. It
22 drops down to about 96, 48 in, 48 out during the
23 evening peak hour.

24 And then on Saturday, the peak hour
25 volumes are comparable to what you would get in the

1 morning on a weekday, 109 in and 108 out, for a
2 total of 217.

3 So those numbers are the numbers that
4 are presented for trip estimates, driveway volumes,
5 that would be expected during the highest peak hour.
6 We combine them with the highest count hours. And
7 that represents a worst case.

8 There's certainly traffic generated
9 before and after 7 o'clock in the morning, after
10 8 o'clock in the morning, and throughout the day as
11 well as on the weekends.

12 But we're focusing on a combination of
13 peak hour volumes based on actual traffic counts and
14 then peak projections at the busiest driveway hours
15 at the Starbucks.

16 So those are the volumes that were
17 used. And we'll get into some of the DOT stuff in a
18 little while.

19 But for both the report that's been
20 submitted to the board as well as for communication
21 back and forth with DOT about permitting and
22 possible permitting exemptions, those are the
23 numbers that we're using.

24 Some of the ITE data and face-to-face
25 interviews, we've collected such data at

1 convenience-type uses. This is considered a
 2 convenience use. They like to locate on busy
 3 streets because traffic that's already passing by
 4 will be diverted in.

5 And Route 22 is carrying 3,000 to
 6 4,000 vehicles in those busiest peak hours, based on
 7 our most recent counts, which are down somewhat from
 8 prior counts that we had from this location.

9 But there's certainly a good stream of
 10 traffic passing by this site.

11 And so many convenience uses like gas
 12 stations, fast food restaurants, convenience stores,
 13 they like to be on busy corridors because 50, to
 14 60 percent at least of the driveway volumes, those
 15 200, you know, 100 in, 100 out, we'll say in round
 16 numbers, a lot of that is derived from the traffic
 17 flowing out of the site.

18 So there's certainly a good volume
 19 passing the site.

20 And, again, the ITE data would
 21 indicate that anywhere from 50 to 66 percent of the
 22 peak hour volume would be drawn from, in this case,
 23 the
 24 Route 22 traffic passing the site.

25 Q. Now, just an aside, to contrast that

1 volume is a lot of it coming from the traffic
 2 already passing by the site on Route 22.

3 And eventually when the hotel is
 4 built, there should be some interaction between the
 5 restaurants and the hotel. We did run some of those
 6 calculations.

7 But an internal credit of only seven
 8 trips as a maximum resulted. So really we're
 9 looking at all of these driveway volumes as new to
 10 the driveway system and the Morgan Lane intersection
 11 east on Route 22.

12 Q. So then what's your next step of
 13 analysis?

14 A. So the next step of the analysis is
 15 the level of service calculation. And we ran the
 16 right turn from Morgan Lane onto eastbound Route 22
 17 as part of our analysis.

18 And we also analyzed the site
 19 driveway. And we do have a before and after. We
 20 take a projection into the future with some
 21 background traffic growth compounded over a few
 22 years, traffic from the mixed-use development next
 23 door, we added that traffic, and then do a before
 24 and after analysis of what happens at the -- at the
 25 adjacent intersection and then what happens at the

1 then to, for example, what is a use permitted in the
 2 zone, for example, an office building, or a medical
 3 office building, or what had been previously
 4 approved, a child educational center --

5 A. Sure.

6 Q. -- would they create more new trips on
 7 the roadway, or are they also just picking people
 8 off from the highway?

9 A. Well, for the previously approved
 10 Goddard School at this location, it would depend
 11 upon where the parents are working.

12 And so maybe they would divert to 22
 13 to drop off the children here.

14 But you're going to have that pickup,
 15 drop-off in the morning, pickup, drop-off in the
 16 evening with comparable volumes that we had in our
 17 study for that 123 total driveway movements for the
 18 evening peak hour.

19 For an office use, those who don't get
 20 the pass-by trips, so those are destination trips,
 21 an office would probably generate lower volumes, but
 22 it would be dependent upon the size of the office.

23 The hotel that had been approved that
 24 still isn't built, 46 peak hour trips.

25 So it's a little bit higher, but the

1 site driveway.

2 So referring to Figures 8 and 9 of the
 3 latest traffic study, we show the levels of service
 4 for the peak hours.

5 So I'll start with the morning peak
 6 hour, Level of Service C, which is right in the
 7 middle of the scale.

8 I'm sure the board has heard that
 9 testimony about level of service before. That's an
 10 average delay on unsignalized of 20 to 35 seconds.
 11 So it's "C" in the morning from Morgan onto
 12 eastbound 22 with or without the Starbucks traffic.

13 It's D, which is the 35 to 55 average
 14 delay in seconds, for the vehicles exiting to 22.

15 So we have a "D" in the morning -- I'm
 16 sorry -- "D" in the evening peak hour with or
 17 without the Starbucks traffic.

18 And on the Saturday, because there's
 19 less traffic on 22 and on Morgan Lane, we have a
 20 Level of Service B, as in boy, for the no-build.

21 Then when we add the Starbucks
 22 traffic, we go to Level of Service C.

23 These are typical levels of service
 24 for a highway corridor. Many driveways operate at
 25 "D" and "E".

1 DOT won't allow us to get to an "F",
2 which is the bottom of the scale. And that's
3 typically when you start to need improvements.
4 So the Level of Service Analysis for
5 the intersection shows only a few added seconds of
6 delay.

7 And that's, again, on average for the
8 vehicles that are at the stop sign waiting to turn
9 onto 22.

10 For the site driveway on 22, the exit
11 -- and that's the existing driveway that is right
12 in, right out -- we've got a C in the morning peak
13 hour, a "D" in the evening peak hour, which is what
14 we had right at Morgan Lane, and a "C" for the
15 Saturday peak hour.

16 The critical movement for the driveway
17 on Morgan Lane would be the left turn exiting. That
18 new driveway that we're proposing is right in only.
19 That's unimpeded. So that doesn't get a Level of
20 Service Analysis.

21 But the left out has to cross with the
22 traffic two-way on Morgan Lane. But that calculates
23 at Level of Service A during all of the peak hours
24 analyzed.

25 So the level of service calculation

1 possible volume that might go over to get to the 287
2 ramp.

3 So we analyzed that movement as well.
4 And that came out again at the Level of Service C or
5 better for that weaving movement.

6 I would point out that it's an
7 existing configuration. I know I handled -- and I
8 don't know how many years ago it was -- but the
9 access application and the local application for the
10 hotel and the Starbucks -- I'm sorry -- the hotel
11 and the restaurant.

12 And DOT didn't make us do anything at
13 that time. But probably more interesting and
14 important is that before we decided to close the
15 recently constructed driveway on what had been the
16 Goddard site, which is now the Starbucks site, we
17 had filed a request with NJ DOT for a Letter of No
18 Interest for the Starbucks.

19 And that was granted in October.

20 So more recently we have been getting
21 DOT's requests for things like weave calculations
22 and analyses, even though there is no need for an
23 access permit.

24 So they did not raise that issue when
25 we filed most recently. And that filing was made at

1 before and after shows the nominal impact to Morgan
2 Lane. I would point out that consistent with the
3 highway access permitting for the Goddard School, we
4 looked at the split, the distribution of traffic.

5 And I know Mr. Moschello took you some
6 of the signage onsite. We did route the majority of
7 our site traffic out to Morgan Lane -- I'm sorry --
8 out to the Route 22 egress directly.

9 And as relates to the I287 ramp, about
10 900 feet past that driveway, it's about a 50/50
11 split. If you take all the volumes we counted and
12 you see how much goes onto 287 versus travel through
13 east on 22, it's roughly 50/50. So we assigned our
14 site traffic that way as well.

15 And so if you want me to get into DOT
16 permitting as related to --

17 Q. Yes, please.

18 The weave analysis?

19 A. Yeah, sure.

20 Right, we did. We looked at that
21 weave.

22 Again, that goes back to the Bright
23 View review. They were interested in the additional
24 traffic that would be using that right in/right out
25 driveway in front of the restaurant, and the

1 the beginning of August before we returned, you
2 know, our last hearing here. And then they got back
3 to us in October saying that no additional analysis
4 was required.

5 So it's an existing condition. We
6 recognize it. It's three lanes. I travel that
7 corridor pretty much every day. And I know how some
8 drivers operate.

9 But in terms of the ability to move
10 over one lane, we've looked at the gaps in all of
11 the videos.

12 And, of course, I've been there many
13 times. And the formal analysis shows an acceptable
14 level of service for that weave.

15 So at the DOT level, they have been
16 satisfied with what is higher trip generation of
17 course associated with the Starbucks because we had
18 processed the application for the Goddard School and
19 they did not require any additional permitting or
20 analysis.

21 Now, that said, we will now be
22 closing that driveway, so we will be revisiting DOT
23 to get the formal approval to close the driveway
24 that was recently -- somewhat recently constructed,
25 that that has to be removed, and that can only be

1 done through an access permit process.

2 Q. So in terms of that, because the
3 board's concern was related to how the drive-through
4 stacking and that entrance off of Route 22 could be
5 in conflict, as the drive-through stack potentially
6 would go into the access aisle, it could create a
7 condition in which the Route 22 exit -- entering
8 traffic would become in conflict.

9 From your professional experience and
10 your opinion, does the removal of that proposed
11 Route 22 driveway address that concern?

12 A. It absolutely does.

13 And I think, and as we pointed out in
14 our report, there's certainly a heightened attention
15 to drive-throughs now because of COVID and what
16 happened during COVID.

17 And I know there were many sites that
18 I would pass by where that drive-through queue would
19 spill out onto the road because it couldn't be
20 contained in the site, itself.

21 So we've eliminated that ingress
22 driveway. And so we've eliminated the potential for
23 any queue to spill back out onto 22.

24 As Rob had said, we could get 15 or 16
25 in the designated drive-through lane. And that's --

1 fast food restaurants. And I think it becomes
2 somewhat self-policing. There's plenty of parking
3 around the entire building. And with mobile app
4 ordering, you know, that's a -- that's a quick park
5 and walk in and get your order and leave.

6 They can go through the drive-through,
7 but it's a longer wait than is necessary.

8 So I think we've adequately addressed
9 the concern about potential spill-out onto Route 22.
10 There's no way.

11 Even the introduction of the right-in
12 driveway from Morgan Lane, there would be over 20
13 cars waiting before that driveway would be blocked.

14 So I don't see there being any
15 negative impact with the access design with regard
16 to spillover from the drive-through.

17 Q. Now, one of the changes that we made,
18 because we removed the access from Route 22, is we
19 were able to add -- I believe Mr. Moschello
20 testified -- 9 additional parking spaces immediately
21 against the building, itself.

22 From a traffic design perspective, is
23 that beneficial to the site?

24 A. Well, sometimes I know there's --
25 there have been, in my experience, concerns about

1 I think there was some testimony at the last hearing
2 that 9 to 10 is a typical queue at Starbucks.
3 Fourteen to 15 operationally would be their max.

4 So we've got 15 to 16 in that lane.

5 But then beyond that, if you look to
6 what happens between the drive-through entrance and
7 that existing right-in/right-out driveway that's in
8 front of the restaurant, we can get another 12 to 15
9 cars there.

10 As you look in the opposite direction,
11 you know, coming in off of what is now the proposed
12 right-turn entrance driveway, we can get about seven
13 cars between the drive-through entrance and that new
14 ingress only driveway coming in off of Morgan Lane.
15 And if you wrap it around up to where the existing
16 driveway is -- that would be, you know, basically in
17 front of the hotel -- you can get another seven or
18 eight there.

19 So I think that capacity to queue
20 onsite is well beyond what would ever be expected at
21 that location.

22 But to your point, there would be no
23 spillover onto the roadway system, because nobody is
24 going to be waiting in a Starbucks drive-through
25 after 15 vehicles. It's a little longer than some

1 people crossing over the drive-through exit lane,
2 which that's a very common design, and it is
3 incorporated into this plan as well.

4 But those nine spaces are directly
5 adjacent to the west side of the building and the
6 sidewalk system, so they would not be crossing the
7 drive-through. Those folks that park in those
8 spaces, they're walking directly onto the sidewalk
9 and into the building.

10 Q. And with regard then to the overall
11 site circulation that you've reviewed the site plan
12 that Mr. Moschello has testified.

13 Would you agree with his testimony
14 that it is designed in a way to handle the loading,
15 the trash removal, et cetera, in a safe and adequate
16 manner?

17 A. It's safe and adequate.

18 Also, as is typical for these types of
19 facilities -- and I know that Rob's office has done
20 the truck circulation test to make sure that the
21 trash pickup can happen and so forth.

22 But generally the dimensions on the
23 plan are consistent with recognized design criteria
24 and designed not only to promote safe and efficient
25 circulation but with visibility throughout the site

1 to clearly see the entrance to the drive-through.
2 There's the bypass of the drive-through, which is a
3 bonus. It's not a must.

4 But it's certainly comfortable. And
5 that I would consider a bonus in terms of the site
6 design.

7 But overall incorporating the existing
8 access system to serve the Starbucks is a goal of
9 traffic management. And certainly DOT's preference
10 is for shared access.

11 So I think we've done a good job by
12 eliminating that ingress driveway that had just been
13 approved and constructed.

14 Q. So then to summarize, in your
15 professional opinion, is the proposal before this
16 board tonight, will it have any detrimental impact
17 on the adjoining road system?

18 A. No, I don't believe it will.

19 We're taking advantage of the existing
20 site access system. We're closing up the driveway
21 that had been approved recently. We've introduced a
22 right-in-only driveway that gives the Starbucks
23 customers ready access to this portion of the
24 overall development.

25 As I said, that's an unimpeded

1 some people, especially people after they -- if I
2 read that sheet correctly, after they make their
3 pickup, the easiest way for them -- that's not where
4 they get their food.

5 MS. DOLAN: They're going to pick up
6 right here.

7 MR. SWEENEY: Yeah.

8 Okay, from there, wouldn't the easiest
9 way for them -- despite the exit to 287 signs,
10 wouldn't the easiest way for them to go back out
11 onto Morgan Lane and make a left on Morgan Lane and
12 then try to shoot over to Route 22 east traffic to
13 get to the 287 southbound entrance.

14 MS. DOLAN: I don't -- I don't really
15 think so.

16 They're going to pick up. They're
17 going to come to the end of the drive-through. And
18 what you're suggesting is they come all the way back
19 up towards the --

20 MR. SWEENEY: No, no, no, that's not
21 what I'm suggesting. Maybe I'm misreading your --
22 the sign.

23 But if they pick up, they travel south
24 a little ways and make a right-hand turn before
25 that, before that, before that.

1 movement, right-turn in.

2 Rob had taken you through the
3 modifications to the existing driveway system to
4 further deter the right-turn out onto Morgan Lane.
5 We want -- you know, there's signage. There's the
6 modification of the Island and the curb radii.

7 So I think that in addition to
8 following the recognized design criteria, we've
9 cleaned up the site quite a bit.

10 And as I had testified a few minutes
11 ago, I don't see the drive-through queue ever
12 reaching either the Morgan Lane or the Route 22
13 driveways.

14 MR. KENT-SMITH: I have no further
15 questions for Ms. Dolan.

16 CHAIRMAN FOOSE: Thank you.
17 Board questions, please.

18 MR. SWEENEY: Ms. Dolan, one of the
19 things I'm concerned about is traffic leaving the
20 site and trying to get back on Route 287 southbound.

21 I understand there's going to be signs
22 onsite pointing people to the westerly entrance and
23 exit for 287, correct.

24 MS. DOLAN: That's correct, yes.

25 MR. SWEENEY: Aren't there going to be

1 MR. KENT-SMITH: You can't.

2 MS. DOLAN: You can't.

3 MR. SWEENEY: You can't.

4 MS. DOLAN: No.

5 MR. KENT-SMITH: That's a curbed
6 island with landscaping.

7 Then there's a sidewalk crossing. So
8 there's no way you can do that.

9 MR. SWEENEY: So how would they -- if
10 they were looking for a way back to 287 and they
11 either didn't see your signs or they decided they
12 were going to ignore them and find their own way,
13 how would they go back to 287?

14 MS. DOLAN: Well, I think the easiest
15 way -- and the sign is here -- that they would come
16 back through and in front of the restaurant and use
17 the driveway that is existing, the
18 right-in/right-out driveway, because that gives you
19 then 900 feet as opposed to just shy of 400 feet if
20 you try and merge over from Morgan.

21 So, I mean, I watched a lot of the
22 count videos in addition to being through this
23 corridor all the time. I only saw one vehicle make
24 the merge over from Morgan Lane.

25 MR. SWEENEY: Did they survive that?

1 MS. DOLAN: It was morning peak hour,
2 too.

3 But when you sit and watch the videos,
4 you do see the gapping that happens?

5 I mean, we talked about the levels of
6 service calculated for that Morgan Lane approach.
7 When you watch the videos, you can see, most of the
8 time you have one, maybe two cars waiting to get
9 into the 22 flow.

10 The most I ever saw was four. And by
11 the time the fourth one came, the first one was
12 going.

13 So it's -- I would think if somebody
14 is not familiar with the area, maybe they would try
15 to do that.

16 But that's why we have the signage is
17 to get them over to the west so they have the time
18 to make that lane merge.

19 MR. SWEENEY: In your opinion, is
20 there anything else that could be done to further
21 encourage people to use the westerly entrance-exit
22 to get back to 287?

23 Anything else?

24 MS. DOLAN: I think the signage is
25 really the appropriate means to do that.

1 Because when you're -- when you're
2 leaving the drive-through, you're at a stop point.
3 The sign is right across from you. I would think
4 that a lot of people using this location are going
5 to be commuters and familiar with the area.

6 I think it's someone who may not be as
7 familiar that might try to recirculate.

8 But I do think that it almost to me
9 feels like you're going backwards to come down
10 Morgan Lane.

11 But I do -- I do feel that the signage
12 is the right thing at this location.

13 MR. SWEENEY: So you don't think
14 there's anything else that could be done to
15 discourage that traffic.

16 MS. DOLAN: Well, we've already looked
17 at the Morgan Lane movements. And we don't want the
18 traffic going, you know, into the residential area
19 which is -- that goes back to the hotel and
20 restaurant application.

21 So the only other -- you know, we
22 could -- we could put another sign up in this area
23 where the eastern circulation aisle meets the
24 existing drive aisle and put a sign there to head to
25 the right to get to 287.

1 MR. SWEENEY: I mean, my fear is that
2 somebody is going to wind up on Morgan Lane trying
3 to make a right-hand turn onto 22 and then cross
4 over three lanes of traffic to get on 287 and
5 they're going to wind up dead. I'm just trying to
6 -- and if your opinion is there's nothing else that
7 we can do to discourage that, that's fine. That's
8 your opinion.

9 MS. DOLAN: Like I said --

10 MR. KENT-SMITH: So if I can
11 interject, because I just talked to the design
12 engineer. Since we are going to be coming back, we
13 are looking at -- there is another option.

14 But we can't commit to anything until
15 we actually sit down and draw it out and see how
16 that impacts and get the thumbs up that we can do
17 that.

18 But I hear what the concern is. And I
19 would trust by now, we take everything this board
20 says very seriously.

21 And we will -- we've already started
22 noodling what might be able to accomplish the goal
23 that you have stated, which is don't let them go out
24 that way.

25 MR. SWEENEY: Okay. Thank you.

1 MS. SARMAD: Mr. Chairman, may I offer
2 --

3 CHAIRMAN FOOSE: Please.

4 MS. SARMAD: -- a suggestion?

5 And it's by no means the only -- the
6 only way or the solution.

7 But in listening to Ms. Dolan's
8 traffic testimony, you know, a lot of it is
9 behavior, right.

10 So people learn behaviors. So the
11 first time they won't do it again.

12 But you don't want that mistake to be
13 made and anything bad to happen.

14 But one of the things -- and this
15 comes up a lot now with technology -- is if an
16 application has some restrictions on turn movements
17 on things like that sensitive ingress/egress to the
18 site is if it is approved, that it their
19 responsibility to collector Google or Waze and to
20 basically make it so that if someone plugs it into
21 their GPS, exiting the site, it will never take them
22 to the Morgan Lane entrance out.

23 CHAIRMAN FOOSE: So if a driver has a
24 way point set on 287 south as a destination, we
25 would alert Google and whatever, Garmin --

1 MS. SARMAD: It would always take them
2 to the Stone Tavern.

3 CHAIRMAN FOOSE: It would make sure
4 they took the exit, if they're following the
5 directions, out in front of the Stone Tavern?

6 MS. SARMAD: Correct.

7 CHAIRMAN FOOSE: That's a great idea.
8 What do you think, Mr. Kent-Smith?

9 MR. KENT-SMITH: Oh, absolutely.

10 MR. RACHED: This is a very good
11 point, by the way.

12 And I want to add to what's been
13 discussed, that the sign that is proposed is a very
14 good sign. It is well-placed.

15 However, it is small. The whole sign
16 is 18 inches. And when you're looking at it from,
17 let's say, 30 feet or so, it's very small.

18 And I did some quick calcs. On an
19 18-inch sign, the lettering height is probably
20 3 inches.

21 So what I recommend is to increase the
22 size of that sign so that we can use 4- or 5-inch
23 lettering on that sign, which actually is the normal
24 type of lettering size used on small roadways.

25 And I'm sure the applicant should be

1 Do you see -- I don't -- do the level
2 of service consider that sort of traffic kind of one
3 is accelerating, one is decelerating?

4 MS. DOLAN: It's not so much a level
5 of service issue as it is a DOT design issue.

6 DOT doesn't want any hesitation on
7 their highways. And so the requirement is a minimum
8 of 100 feet of spacing from an intersection to a
9 driveway.

10 And we've got well in excess of that.

11 And now we're taking out that driveway that had been
12 constructed.

13 So there is a natural expectation of
14 cross-over or slight weaving as well. But the
15 formal weave analysis with the 287 with the much
16 higher volumes came in at Level of Service C, in the
17 middle of the scale.

18 So this type of configuration would be
19 expected to work acceptably.

20 MR. VESCIO: So you see no safety
21 concerns of accelerating traffic and decelerating
22 traffic getting onto Morgan Lane.

23 MS. DOLAN: It happens at driveways
24 and intersections all over.

25 And, in fact, if you've got subsequent

1 amenable to that recommendation.

2 MR. KENT-SMITH: Yeah.

3 I mean, that would create a design
4 exception because as long you meet uniform --

5 CHAIRMAN FOOSE: What's one more at
6 this point.

7 MR. KENT-SMITH: I'm just letting
8 everybody know.

9 MR. RACHED: Thank you.

10 CHAIRMAN FOOSE: Thank you, Maurice.

11 MR. VESCIO: I have a question on the
12 traffic numbers you have.

13 So I'm looking at the 2026 build
14 traffic volumes.

15 MS. DOLAN: Okay.

16 MR. VESCIO: Okay? You have 133 cars
17 turning right onto Morgan Lane and 106 cars -- this
18 is the morning -- entering the site from Morgan Lane
19 by the Starbucks. Then you have 94 cars exiting by
20 the tavern.

21 Is that correct?

22 MS. DOLAN: Yes.

23 MR. VESCIO: So you're going to have
24 94 cars per hour speeding up to get onto 22 and 287,
25 and then you're going to have 133 cars slowing down.

1 driveways or driveways closer to intersections, you
2 know, think about it, you may be waiting to turn
3 left -- I'm sorry.

4 Like in this case, maybe you're
5 waiting to turn right off of Morgan Lane and you see
6 somebody with their blinker on to turn right.

7 Well, they're going to be a few
8 hundred feet away if they're turning into the
9 existing right-in and right-out driveway as opposed
10 to what you could have at an old-fashioned gas
11 station where the driveway is right up at the
12 intersection and you don't know if somebody is
13 turning onto the street or into that driveway.

14 So this to me with the -- it's several
15 hundred feet of spacing between Morgan Lane and the
16 -- and the driveway.

17 The other thing too is that the
18 Starbucks is not busy in the evening when the
19 restaurant would be busy.

20 So you kind of have that good balance,
21 too. You've got more traffic exiting the driveway
22 in the morning because of the Starbucks.

23 But then you don't have the Starbucks
24 addition during the evening peak hour when the
25 restaurant is busier.

1 MR. KENT-SMITH: And the restaurant,
 2 is that a breakfast restaurant as well.
 3 MS. DOLAN: No, no. Lunch and dinner.
 4 MR. KENT-SMITH: So it's just the
 5 Starbucks morning traffic would not be competing
 6 with the restaurant.
 7 MS. DOLAN: That's correct.
 8 So it's a nice complementary use in
 9 consideration of the peaking characteristics of this
 10 versus the restaurant.
 11 MR. VESCIO: Just to -- my follow-up
 12 on that is, we did discuss about the Starbucks sign
 13 being closer to Morgan Lane, which would kind of
 14 have folks naturally kind of turn onto Morgan Lane.
 15 Would it be a safer design if the
 16 signage was farther west on 22 such as traffic is
 17 taking that right-in and right-out entry?
 18 MR. KENT-SMITH: Just so when you say
 19 "west," more in this area here.
 20 MR. VESCIO: Correct.
 21 The right-in/right-out, would it be a
 22 safer design if it was influential signage was
 23 placed there to direct traffic to try to hit that
 24 point, understanding you have more -- some closer
 25 west, would you consider that a safer design.

1 MS. DOLAN: I don't know that it would
 2 be safer. I think that the site is visible.
 3 It's going to have its identity not
 4 just by its sign but also by the building and so
 5 forth.
 6 And I do think a lot of the customers
 7 are going to coming from that trafficking already
 8 traveling on the 22's commuter corridor.
 9 And the folks are going to be
 10 generally familiar with this.
 11 I don't know if perhaps an additional
 12 ID sign for the entrance at that location. That
 13 might be something for Rob Moschello to address.
 14 But I don't see it as being a safety
 15 issue, because the driveway is there and again the
 16 intersection is spaced far enough from that driveway
 17 that it exceeds all of DOT criteria.
 18 And, again, DOT didn't see a safety
 19 issue with this through the submission of all the
 20 same number crunching that was in our report that
 21 went to DOT for the Starbucks evaluation as well.
 22 MR. VESCIO: Okay. Thank you.
 23 MS. DOLAN: You're welcome.
 24 CHAIRMAN FOOSE: Any other board
 25 questions?

1 (No Response.)
 2 CHAIRMAN FOOSE: All right.
 3 I have a few questions.
 4 Morgan Lane, what's the speed limit on
 5 Morgan Lane?
 6 MS. DOLAN: Twenty-five.
 7 CHAIRMAN FOOSE: Would you classify
 8 that as a residential road?
 9 MS. DOLAN: Yes.
 10 CHAIRMAN FOOSE: Can you -- and if you
 11 can't, we have Katherine maybe can help us.
 12 What are the regulations in
 13 Bridgewater on a residential road? Is it even
 14 allowed to have access to a commercial site like
 15 this?
 16 MS. DOLAN: I can't answer that. I
 17 don't know.
 18 CHAIRMAN FOOSE: Katherine, any feel
 19 for residential roads serving a commercial entity of
 20 this size?
 21 Is this even allowed under master plan
 22 rules?
 23 MR. KENT-SMITH: I mean, Mr. Chairman,
 24 when we were before another board, albeit, but also
 25 on the original application with the Houlihan's and

1 the hotel together, before this site even got onto
 2 the map, that driveway had been proposed, approved
 3 and built.
 4 CHAIRMAN FOOSE: From the Planning
 5 Board.
 6 MR. KENT-SMITH: Right.
 7 That they would have jurisdiction over
 8 that driveway because it is a municipal roadway.
 9 CHAIRMAN FOOSE: All right.
 10 So let me rephrase. Would you
 11 characterize Morgan Lane as a residential road?
 12 MS. DOLAN: Well, certainly to the
 13 south of this area it's certainly residential.
 14 We've got commercial on 22. We've got to Jiffy Lube
 15 across the street. They've got a driveway on
 16 Morgan.
 17 CHAIRMAN FOOSE: Right.
 18 MS. DOLAN: Just, I'll let Katherine
 19 speak, but the State Highway Access Management Code
 20 does give DOT the authority to require access on a
 21 municipal or county road in addition to the state
 22 highway access.
 23 CHAIRMAN FOOSE: That's more my
 24 question.
 25 So the DOT has basically subverted any

1 master plan allowances that we've made locally.

2 MS. DOLAN: Yeah.

3 There's a provision in the code that
4 specifically says that DOT has the jurisdiction over
5 access.

6 And I would tell you that in today's
7 DOT world -- because this is several years old now
8 -- DOT would not allow the restriction that is on
9 that Morgan Lane driveway, because for the very
10 reason we want traffic to distribute.

11 And I understand it because I was
12 here, you know, for that application. We didn't
13 want to have the commercial traffic on the
14 residential road.

15 However, DOT, their operating
16 procedure now would make that full movement that so
17 that you don't have to force people to Adamsville to
18 hit 22, that the traffic can distribute. So that's
19 kind of DOT's end of the answer as to what they call
20 alternative access on the side street.

21 CHAIRMAN FOOSE: Okay. Thank you.
22 That's a good transition to my next
23 question. You know, call it a half mile,
24 three-quarters of a mile, Morgan Lane from Route 22
25 going south to Route 28, would you characterize the

1 MS. DOLAN: I'm sorry, where is this?

2 CHAIRMAN FOOSE: I'm on page 6 of
3 December 20th, 2024, your document.

4 MR. KENT-SMITH: Page 6.

5 CHAIRMAN FOOSE: And It say "page 6"
6 at the bottom.

7 MS. DOLAN: Okay. Oh, I see. The
8 software has certain -- okay, got it.

9 MR. KENT-SMITH: We've got it.

10 CHAIRMAN FOOSE: So what I saw today
11 -- and I sat for about an hour in my jeep basically
12 parked where your Starbucks is proposed.

13 And I just watched. And every single
14 person that I saw in that 55 minutes to an hour that
15 I was there utilized the shoulder as an acceleration
16 lane.

17 So my question to you is, if the
18 software you used to generate your analysis, this
19 level of service, which frankly seems like a mystery
20 to me, but nonetheless, your software, it has
21 inherent limitations in it.

22 So how do we truly know that your
23 Level of Service C in the morning or your Level of
24 Service D in the evening -- I'm not finished -- is
25 accurate, being that it is inherently -- inherently

1 majority of the -- of the activity as residential on
2 that street, aside from the Jiffy Lube which you
3 just mentioned?

4 MS. DOLAN: Sure.

5 Yeah, right.

6 CHAIRMAN FOOSE: Okay.

7 It's over 90 percent we're going to
8 call it residential road.

9 MS. DOLAN: Yeah.

10 I don't know how much traffic cuts
11 through from the 28 corridor to 22 and vise-versa.
12 You know, there's certainly some of that activity.

13 CHAIRMAN FOOSE: Just we're in
14 agreement, it sounds like, that this is a
15 25-mile-per-hour residential street.

16 MS. DOLAN: Sure, yeah.

17 CHAIRMAN FOOSE: So on page 6 of your
18 document, basically, you know, you opened up
19 tonight's testimony by -- I'll use a quote -- it's
20 not an exact science.

21 So page 6, the software has certain
22 inherent limitations in that it cannot take into
23 consideration that most motorists regularly use the
24 flared shoulder of Route 22 as an acceleration to
25 more efficiently merge with traffic onto Route 22.

1 limited in that it cannot take into consideration
2 that most motorists use the flared shoulder?

3 MS. DOLAN: Right.

4 So the shoulder is being used for
5 accel/decel. And the software, you put in a lane
6 configuration.

7 CHAIRMAN FOOSE: We've got a lot of
8 laymen here. I'm one of them.

9 So accel/decel, acceleration and
10 deceleration.

11 MS. DOLAN: Yes, correct.

12 CHAIRMAN FOOSE: Okay. All right.
13 Thank you.

14 MS. DOLAN: So the software, you input
15 the lane configuration, which across the frontage
16 and across Morgan Lane, is three lanes. The middle
17 lane splits to either go to 287 or continue east.
18 So we plug in three lanes.

19 And that doesn't include the shoulder.
20 Which if you sit there -- and I've been watching the
21 videos again in preparation for tonight -- you do
22 see the use of the shoulder to decelerate into the
23 site driveway, decelerate into Morgan Lane.

24 And then, depending upon the people,
25 what they want to do when they've leaving Morgan

1 Lane, most of them I see gun it and then get into
2 that outside lane as opposed to using the shoulder,
3 which it's tapered in its striping so it's not a
4 full shoulder at Morgan Lane as you enter 22.

5 So the -- I'll say the results, I
6 would consider to be a little bit on the more
7 conservative side.

8 But this is the recognized methodology
9 -- God bless you -- for analysis. And had DOT
10 requested the analysis, this is what we would have
11 given them.

12 So it's the software that we used, but
13 it's not perfect. And that's why we also visit the
14 site and watch and see what happens.

15 And it's great the way we're counting
16 cars these days because we've got the videos to go
17 back to. And that's what I'm saying. When you sit
18 there and watch over an extended period of time, you
19 do see the gaps in traffic that let people come out
20 of Morgan Lane or let people come out of the site
21 driveway as opposed to when you're a driver going
22 through this corridor or maybe coming up Morgan Lane
23 to turn right and you get a little frustrated.

24 But based on everything I've seen, the
25 Level of Service C, D makes sense. And that's also

1 limitations, when I see that footnote -- and I thank
2 you. I think that's incredibly honest that you put
3 that in your report. I'm grateful for that.

4 But at what point does a board of
5 laymen -- you know, we have nowhere near your
6 expertise -- you know, say okay, let's do this? And
7 that's what I'm struggling with.

8 And, Mr. Kent Smith, your applicant
9 was wonderful in redesigning this. And we've really
10 been tough on you the last five hearings.

11 But I think you hear us -- and I know
12 you do -- that it's about safety and it's about the
13 neighborhood. It's about the people that live on
14 Morgan Lane.

15 So we got one. We can check one box
16 that you have testified and I think you've done an
17 adequate job in saying we're not going to have
18 spill-out to Route 22.

19 But now how do we protect Morgan Lane
20 and the people that are going to be accelerating
21 onto 22 and trying to cowboy it up to 287 south?

22 MR. KENT-SMITH: So, Mr. Chairman,
23 that exact issue -- Mr. Sweeney, you brought that up
24 as well -- is what -- again, this is a five-second
25 conversation with the design engineer.

1 consistent with most driveway analyses we see on 22
2 throughout not just Bridgewater, but, you know, 22
3 is a pretty busy road.

4 CHAIRMAN FOOSE: Yeah.

5 But, you know, traffic is kind of life
6 and death. And to use something and to sit here and
7 say, you know, it's a conservative analysis but it
8 inherently has limits in it... I mean, this is life
9 and death. This is my 17-year-old new driver
10 hopping on your street that you designed that you
11 testified here five times, or we've had five
12 hearings. You know, at what point, you know, and an
13 algorithm -- you know, I guess you dropped in your
14 total trip on Route 22 heading west to east of
15 3,637. You drop it in the software. You model up
16 the lanes and you say okay, this is the "C". It
17 pops out of the other end of the software.

18 But, you know, when we're dealing with
19 life and death, at what point does it give you
20 pause? You know, to Mr. Sweeney's questions, at what
21 point -- you know, it's scary trying to get over to
22 287.

23 And I know, you can't engineer out bad decisions.
24 And I'm not asking you to do that.

25 But when something has inherent

1 But he gave me an immediate oh, yeah,
2 we could do this.

3 Now, I can't represent to this board
4 what it is exactly because we haven't designed it.
5 But we hear you loud and clear.

6 You want to eliminate to the greatest
7 extent possible any traffic from this site going out
8 to Morgan Lane.

9 CHAIRMAN FOOSE: Definitely.

10 MR. KENT-SMITH: That, we hear it.
11 We're going to work on it. We hope to have a
12 submission back to this board in short order to
13 address that concern.

14 CHAIRMAN FOOSE: Well, and the other
15 thing is when you say Level of Service C out of a
16 piece of software that has inherent limitations,
17 that gives me pause.

18 How do we make sure that this -- can
19 we model up an acceleration lane between now and the
20 next hearing? I mean, they have algorithms for
21 everything now.

22 MR. GAYESKI: And does it take into
23 account someone is holding a cup of coffee drinking
24 90 percent of...

25 CHAIRMAN FOOSE: A sugary drink, cup

1 of coffee.

2 MR. GAYESKI: Like, they've got
3 something in their hands.

4 MR. KENT-SMITH: No. There's two
5 options.

6 MS. DOLAN: So there's an existing
7 condition that is very a real situation. And it's
8 the proximity of Morgan Lane to that split.

9 And DOT hasn't, through our
10 submissions, seen that to be a concern. That's not
11 to suggest that it's not. Because I have seen
12 people make that move.

13 I am troubled by the way people are
14 driving since COVID. I'm all over 22, and I am
15 appalled. I am passed on the right on the shoulders
16 where three lanes are opening up in the vicinity of
17 Chimney Rock or the overpass just before Vossler.
18 People are passing me in the right lane. That
19 Chimney Rock, when they're coming down and they're
20 merging from the left, they're blowing through. It
21 is insanity what is going on.

22 And I can't drive the cars, but we can
23 certainly look at re-engineering our site. We can
24 look at the signage and so forth that your
25 consultant has talked about.

1 We have about 20 minutes, just under 20 minutes. I
2 see Mr. Singer approaching.

3 Good evening, Mr. Singer.

4 If we can just have your name and
5 address please for the record.

6 MR. SINGER: Steven Singer, 11 Kelly
7 Court, Bridgewater, New Jersey.

8 Chairman Foose, do I address the
9 board, or do I address the witness?

10 MR. OLLER: Well, it's not time to
11 address anybody. It's questions only.

12 CHAIRMAN FOOSE: Ask questions.

13 MR. OLLER: Questions only.

14 MR. SINGER: Questions.

15 CHAIRMAN FOOSE: On the traffic
16 testimony.

17 MR. SINGER: No statements at this
18 point.

19 CHAIRMAN FOOSE: At the end, you can
20 make a statement as long as you want.

21 THE COURT REPORTER: Mr. Chairman,
22 what was the address, sir?

23 MR. SINGER: 11 Kelly Court,
24 Bridgewater, New Jersey, which I will note is one of
25 the cross streets that comes right off of Morgan

1 And as to the intersection
2 configuration, I don't right now have an answer
3 because that would seem like a lot of engineering,
4 and it's something that it would really be up to
5 DOT. And so I'll stop there.

6 MR. KENT-SMITH: Yeah.

7 Because I think, Mr. Chairman,
8 Mr. Sweeney and the rest of the members of the
9 board, you know, I think we can accomplish -- we
10 can't ever do everything 100 percent, but we can
11 accomplish a great, great deal of reduction of any
12 potential traffic from this site going on Morgan
13 Lane.

14 You know, I've now heard a third
15 option that we are going to be exploring.

16 So I hear the board. I hear you loud
17 and clear. It's our intent to when we come back to
18 have an answer.

19 CHAIRMAN FOOSE: Well, Maurice, if you
20 don't mind, I'd like to open it up to members of the
21 public.

22 Then after that I'll come back to you
23 and our board professionals.

24 So members of the public, you came out
25 tonight. I want to make sure you can participate.

1 Lane, which is why I'm here, because it's -- I
2 appreciate you hearing them.

3 And I appreciate all of the questions
4 that you have all asked. I can't make statement
5 now, so I'm not going to do that right now.

6 What I heard before was that there is
7 basically no way for them to turn left onto Morgan
8 Lane once they're done with the Starbucks, is that
9 correct?

10 MS. DOLAN: The existing driveway will
11 remain, but it will be improved. If you're exiting
12 towards Morgan Lane, you're only allowed to turn
13 left to go back to 22.

14 MR. SINGER: Right.

15 That's what I thought the
16 configuration was.

17 But the impression I got was that you
18 think that most people aren't going to go that way,
19 is that correct?

20 MS. DOLAN: Well, we have -- again,
21 we've modeled it.

22 But we have sent a lot of our traffic
23 exiting back to the existing driveway on 22.

24 MR. SINGER: All right. I mean, so as
25 someone that has lived there, I've seen traffic that

1 came off of Houlihan's. I never came to complain
2 about that.

3 But when you have, you said, 15
4 potential cars in the queue, most of whom are going
5 to take the path of least resistance, which would be
6 that exit right there

7 What I'm concerned about is the backup
8 onto Morgan Lane that's going to happen because of
9 the 35 to 55 seconds per car that it's going to take
10 to turn from Morgan Lane onto Route 22. You
11 multiply that by the 10 to 15 people and now we're
12 looking a 10- to 15-minute backup at any given time
13 on a residential road where people are trying to get
14 off.

15 MS. DOLAN: Right.

16 The increase in traffic on the Morgan
17 Lane approach to eastbound 22 is between 27 and 59
18 vehicles in the peak hours.

19 So in the worst case on the Saturday,
20 it's about another car per minute that might be
21 added to that movement. And, again, that's the
22 movement from Morgan Lane onto 22.

23 MR. SINGER: The worst case is on a
24 Saturday? I'm more concerned about the 7:30 to 8:30
25 on a given weekday.

1 residential road.

2 So there's only residential cars that
3 are doing that. You're anticipating adding about
4 four times as many cars per hour to that area, based
5 on the addition of the Starbucks.

6 But that's fine. I understand your
7 point about that.

8 So are you expecting that no one
9 traveling on 22 heading toward 287 is going to see
10 Starbucks and be like, oh, let me cross the three
11 lanes to Starbucks?

12 MS. DOLAN: Well, I think we between
13 -- you know, we talked a little bit about GPS and so
14 forth. I think a lot of people are looking -- if
15 they're not familiar with the corridor and that's
16 available, then they're probably GPSing where to get
17 coffee.

18 And this isn't the only game in town.
19 There's, you know, sites east and west and on 28 we
20 were just talking about.

21 And so depending upon where they're
22 coming from, I would think that if they're -- if
23 they're not familiar with the fact that the
24 Starbucks is here, they're going to be looking for
25 coffee or food, and GPS will help them get there.

1 MS. DOLAN: Sure.

2 So the additional activity on the
3 morning peak hour is 42 and the evening peak hour
4 27.

5 MR. SINGER: So you're anticipating
6 that 42 cars per hour will add onto Morgan Lane at
7 that point.

8 MS. DOLAN: During the busiest morning
9 peak hour, yeah.

10 MR. SINGER: Right.

11 Which again can create anywhere
12 between 20 to 40 minutes of backup.

13 MS. DOLAN: Well, it doesn't quite
14 work that way. Because when you sit and watch the
15 traffic, as I testified earlier, most of the time
16 you see one or two cars that might be waiting.

17 And they're waiting for that traffic
18 in the outside lane to pass by to get into -- into
19 the -- into the stream.

20 So when we look at the average delay
21 that is calculated, it comes out to about another
22 two to three seconds of average delay per vehicle.

23 MR. SINGER: Okay. So you said, you
24 know, the one to two cars that are currently making
25 that -- as Mr. Foote mentioned, this is a

1 MR. SINGER: The last one I have is
2 that you mentioned that the Goddard would be
3 comparable to Starbucks in terms of volume.

4 Is that only for that peak hour in the
5 morning and that peak hour in the afternoon?
6 Because Starbucks to me seems to generate traffic
7 throughout the entirety of the day.

8 MS. DOLAN: Yeah.

9 I was speaking to the peak hour
10 volumes that were used in the Goddard report versus
11 the current report before the board.

12 MR. SINGER: So whatever traffic the
13 Goddard would have -- would have created, really
14 would have only been in those two hours, but
15 Starbucks would have been the entirety of the day.

16 MS. DOLAN: Well, and both of them
17 would have generating driveway volumes throughout
18 the day, because the Goddard has dismissals that
19 start midday and go throughout the day.

20 So it's not to suggest that it would
21 just be the two peak hours.

22 But I would agree with you that the
23 Starbucks overall is going to generate higher driver
24 volumes.

25 MR. SINGER: Thank you.

1 All of your questions were also mine,
2 so thank you all.

3 CHAIRMAN FOOSE: Thank you.
4 Other members of the public,
5 questions?

6 (No Response.)

7 CHAIRMAN FOOSE: All right. Seeing
8 none, I'm going to go back to board professionals
9 and you guys can...

10 All right, Maurice? Let's wait until
11 he grabs the microphone.

12 MR. RACHED: Ms. Dolan, good evening.
13 Thank you for the testimony. I have a few
14 questions.

15 Let's start with the level of service
16 which you talked a lot about. But I think the board
17 and the public is still probably not unsure as far
18 as what makes a Level of Service "A" or "B" or "C"
19 or "D", and what does it mean, and how do you go
20 from "A" to "B", from "B" to "C" and "C" to "D".

21 Can you please explain to the board
22 how does it work?

23 And keep it simple, please.

24 MS. DOLAN: Sure.

25 So we're talking about a grading

1 MR. RACHED: So if the average delay
2 is, for example, 30 seconds, that would put you in
3 the "D" as in David category, right?

4 MS. DOLAN: That's right.

5 MR. RACHED: Okay. And if it
6 increases by 10 seconds, that would put you into an
7 "E" category.

8 MS. DOLAN: That's right, yes.

9 MR. RACHED: And if it goes above 50
10 seconds, it puts you in an "F" category.

11 MS. DOLAN: And that's what I said DOT
12 will not allow for a new driveway.

13 MR. RACHED: Correct. Okay.

14 So can you talk about he queuing and
15 give the public and the board a better idea of how
16 many cars you expect the queue to increase by when
17 you compare existing to proposed?

18 Are we going to have one more car?
19 Two more cars queue? If you have that information
20 readily available.

21 MS. DOLAN: Sure.

22 I can tell you that the -- well, let
23 me start with -- because the concern seems to be the
24 approach on Morgan Lane as you turn right onto 22.

25 MR. RACHED: Correct, yes.

1 system. It's a lot like school, with the difference
2 being that Levels of Service D and "E" are okay.
3 Whereas you wouldn't want to get "D"s and "E"s --
4 well, there is no "E". You're going right to "F".

5 But it's based upon -- it's based upon
6 the average delay that a vehicle can experience -- a
7 driver experiences as they wait to make a turn.

8 So Level of Service A for
9 unsignalized, which is what we're studying here,
10 it's zero to ten seconds of average delay.

11 So some vehicles may wait a second
12 some may wait up at the top of that scale is ten.

13 Level of Service B, 10 15 seconds
14 average delay per vehicle.

15 Level of Service C, which is what
16 we're talking about in our study, 15 to 25 seconds
17 of average delay.

18 And then "D", which we've got a couple
19 of those, is 25 to 35.

20 So it's based upon the average delay.
21 And that's a combination of the turning vehicles and
22 in this case the through vehicles on Route 22 east.

23 MR. RACHED: Okay. Thank you.

24 So the criteria is the average delay.

25 MS. DOLAN: Correct.

1 MS. DOLAN: So we talked about the
2 no-build to the build condition being Level of
3 Service C in the morning. And with the additional
4 site traffic, we're only adding 2.3 seconds of delay
5 in the morning peak hour.

6 MR. RACHED: Can you give us the
7 seconds? Can you put them on the record, how many
8 existing, how many proposed?

9 MS. DOLAN: Okay, sure.

10 So this is the morning peak hour, 15.7
11 under the no-build condition. And then 18 seconds,
12 which is an increase of 2.3 seconds during the
13 morning peak hour. That keeps us in the Level of
14 Service C range.

15 MR. RACHED: Okay. So no-build
16 meaning Starbucks doesn't exist, and build meaning
17 Starbucks is open and operating?

18 MS. DOLAN: That is correct. Okay.
19 For the evening peak hour, 26.5 without Starbucks,
20 which is a "D".

21 And then when we add the Starbucks
22 traffic, we go to 29.1, which is still a "D".

23 And it's an increase of 2.6 seconds of
24 average delay per vehicle.

25 During the Saturday peak hour,

1 no-build Level of Service B at 13.8. And then with
2 the addition of the Starbucks traffic, it goes to
3 15.4, which is just over the Level of Service C
4 threshold. And that's an increase of 1.6 seconds of
5 average delay.

6 So the queuing, while it may sound
7 like another vehicle per minute is all of a sudden
8 going to add queuing, the calculated queue results
9 don't -- don't -- they don't double, for example.
10 They're staying at the one to two range.

11 MR. RACHED: Okay. As far as access
12 on Morgan Lane, you have two driveways. You have a
13 right-in, which is approximately maybe 150 feet into
14 Morgan Lane. And then in another 200 feet, you have
15 another driveway feeding the site that has an
16 entrance and an exit.

17 Why do you need two entrances on
18 Morgan Lane? And can the site operate with only
19 one? Can we close off the first one?

20 And if not, why not?

21 MS. DOLAN: Sure.

22 I think that when we were here back in
23 August, it was very clear that there was a concern
24 about the newly-constructed Goddard driveway, the
25 entrance only on 22, and that creating a spillover

1 come to the exact number or as much exact as
2 possible that is going to end up on Morgan Lane.

3 MS. DOLAN: Okay, sure.

4 So of the -- again, for the modeling
5 of the Starbucks and to load up the Morgan Lane
6 intersection for the purposes of analysis, we routed
7 all of the Starbucks entering traffic to turn right
8 onto Morgan Lane and then turn right into the
9 Starbucks pad.

10 For the exiting, yeah, we had about
11 70, 75 percent exiting to the right-in, right-out
12 driveway to the west on 22 in front of the
13 restaurant site, with the balance, 25 percent,
14 exiting left onto Morgan Lane to then turn right
15 onto 22.

16 MR. RACHED: And I'm assuming you
17 based that on the trip pattern on the highway
18 between 22 and 287, right.

19 MS. DOLAN: Yes.

20 And recognizing, as I said earlier, we
21 counted the split of eastbound traffic that
22 continues east or goes to 287. And it's roughly
23 50/50.

24 MR. RACHED: Okay. That's all I have
25 for now, Mr. Chairman.

1 potentially of queueing onto the highway.

2 So when we eliminated that for, I'll
3 say, ease of access to this pad portion of the
4 overall development tract, we looked at that
5 right-in only to get the Starbucks customers in a
6 little quicker.

7 As I had said during my direct
8 testimony, it's an unimpeded movement. I think it
9 can from a capacity perspective certainly be
10 accommodated at the existing right-in, left-out
11 driveway on Morgan Lane.

12 MR. RACHED: Okay.

13 We talked about the split of traffic
14 between Morgan and the driveway to the west, the
15 right-in/right-out on 22 to the west.

16 And I think we -- you told the board a
17 little bit about the split. But can you go over it
18 one more time?

19 What do you expect the split of
20 traffic, assuming everyone observes the sign and
21 makes a left, which I think most people do.

22 Not everybody will, but most people
23 will. What do you think that split would be in
24 terms of numbers?

25 And the reason I'm asking, so that we

1 CHAIRMAN FOOSE: All right. Thank
2 you, Maurice. All right.

3 We're going to pause here. We're
4 going to pick it up here at our next meeting.

5 Thank you for accommodating us with
6 the split meeting. I know it's an inconvenience.

7 But why don't we get with Nancy and
8 get you another date and when you can come back.

9 MR. OLLER: Are we finished with this
10 witness.

11 CHAIRMAN FOOSE: I don't think we are.
12 I think Katherine and Bill --

13 MR. KENT-SMITH: Mr. Chairman, because
14 I've already noodled out with the client and the
15 engineer, we probably will have Ms. Dolan available
16 just to address the fact that we are making some
17 modifications that will have, I hope, a positive --
18 positive impact.

19 But so we will bring her back.

20 CHAIRMAN FOOSE: Nancy, what's our
21 next available date to continue Starbucks.

22 MS. PROBST: We have -- just give me
23 one second, please. May 13th, Mr. Chairman.

24 MR. KENT-SMITH: May 13th.

25 Mr. Chairman, if you would be so kind

1 as to announce that.

2 MR. OLLER: Yeah.

3 So for members of the public, this
4 hearing is now concluding for this evening.

5 It will continue on May 13th at 7 p.m.
6 in this room. And there will be no further notices
7 from the applicant.

8 CHAIRMAN FOOSE: All right. We're
9 going to take a quick break.

10 Why don't we come back --

11 MR. KENT-SMITH: Mr. Chairman, I'm
12 sorry.

13 CHAIRMAN FOOSE: Please.

14 MR. KENT-SMITH: -- because if we're
15 going to do this, I have to have Mr. Tobia
16 available, and he's going to be out of the country.
17 Is there another date maybe into June or...

18 MS. PROBST: One moment.

19 MR. KENT-SMITH: I'm sorry, but...

20 CHAIRMAN FOOSE: No problem.

21 MR. OLLER: So don't leave yet.

22 MR. KENT-SMITH: Don't leave.

23 MS. PROBST: June 10th. June 10th.

24 CHAIRMAN FOOSE: June 10th.

25 MR. KENT-SMITH: June 10th.

1 Are you going to be back?

2 MR. TOBIA: I'd like to take a
3 four-week vacation. Hold on one second, please.

4 MS. PROBST: June 24th.

5 MR. KENT-SMITH: Wait. June 10th,
6 we're checking on right now. You're available.

7 MS. DOLAN: Yes.

8 MR. KENT-SMITH: Rob?

9 MR. MOSCHELLO: Yes.

10 MR. TOBIA: June 10th being a Tuesday.

11 MR. KENT-SMITH: Yeah, it's a Tuesday.
12 We're all good. If you could re-announce.

13 MR. OLLER: All right.

14 So again for members of the public,
15 this hearing will continue on June 10th at 7 p.m. in
16 this room with no further notices from the
17 applicant.

18 MR. KENT-SMITH: Thank you,
19 Mr. Chairman and Board Members.

20 Just so you know, I am retiring fully
21 on April 1st.

22 So my partner, Mr. Chang, will be
23 taking this application through.

24 But I'm done.

25 CHAIRMAN FOOSE: Best to you in

1 retirement.

2 And thank you for all the
3 collaboration over the years.

4 MR. KENT-SMITH: I actually retired
5 April 1st last year, but I was cajoled into seeing
6 if I could get this one across.

7 CHAIRMAN FOOSE: Well, whatever you
8 choose to do, golf, grand kids, whatever, God speed.

9 MR. KENT-SMITH: All of the above.

10 CHAIRMAN FOOSE: Good luck.

11 MR. OLLER: And, Henry, I just want to
12 add, the professionals will miss you.

13 You're an excellent attorney.

14 CHAIRMAN FOOSE: It's 8:38.

15 We're going to come back at 8:45 and
16 we're going to continue.

17 - - -

18 (Whereupon, this matter will be
19 continuing at a future date.)

20 - - -

21 (Time noted, 8:38 p.m.)

22 - - -

23

24

25

C E R T I F I C A T E

2
3 I, RONDA L. REINSTEIN, a Certified Court
4 Reporter of the State of New Jersey, authorized to
5 administer oaths pursuant to R.S.41:2-2, do hereby
6 certify that the foregoing is a true and accurate
7 transcript of the testimony as taken
8 stenographically by and before me at the time, place
9 and on the date herein before set forth, to the best
10 of my ability.

11 I DO FURTHER CERTIFY that I am neither a
12 relative nor employee nor attorney nor counsel of
13 any of the parties to this action, and that I am
14 neither a relative nor employee of such attorney or
15 counsel, and that I am not financially interested in
16 the action.

17

18

19

20

21

22 /s/RONDA L. REINSTEIN

23 -----

RONDA L. REINSTEIN, CCR No. 30X100217800

24

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TOWNSHIP OF BRIDGEWATER
ZONING BOARD OF ADJUSTMENT
TUESDAY, MARCH 11, 2025
7:00 P.M.

IN THE MATTER OF:)
)
APPLICATION #24-005-ZB,)
821 BRIDGEWATER, LLC and)
JEWISH COMMUNITY CENTER OF)
SOMERSET, HUNTERDON & WARREN,)
BLOCK 477, LOTS 45 & 46,)
821 & 831 ROUTE 202-206.)

TRANSCRIPT OF
PROCEEDING

B E F O R E:

CHAIRMAN JEFF FOOSE

JAMES WEIDELI

JEFFREY SICAT

DONALD SWEENEY

CLAUDIO VESCIO

JOHN KULAK

ANDREW FRESCIO

JOHN GAYESKI

BRUCE BONGIORNO

PUSHPAVATI AMIN

CHRIS GABBETT

1 APPEARANCES:
2 OLLER & BRESLIN, LLC
3 BY: RICHARD OLLER, ESQ.
4 170 East Main Street
5 Rockaway, New Jersey 07860
6 Tel: (973) 983-7020
7 Counsel for the Zoning Board of Adjustment

8 CONNELL FOLEY, LLP
9 BY: KEVIN J. COAKLEY
10 56 Livingston Avenue
11 Roseland, New Jersey 07068
12 Attorney for Applicant

13 ALSO PRESENT:
14 NANCY PROBST
15 Board Secretary

16 KATHERINE SARMAD, P.P., AICP
17 Sarmad Planning Group
18 Board Planner

19 WILLIAM BURR, P.E.
20 Board Engineer
21 MAURICE RACHED, P.E., PTOE
22 Colliers Engineering
23 Board Traffic Engineer
24
25

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1 CHAIRMAN FOOSE: Mr. Coakley, good
2 evening.
3 MS. COAKLEY: Good evening. Kevin
4 Coakley, Connell Foley, on behalf of the applicant.
5 So we were here initially in August and
6 then we were here again in November. And just to kind
7 of refresh your recollection -- I'm sure it's not
8 necessary -- but in August you heard from Ms. Laura
9 Friedman, who is the CEO of the Jewish Community
10 Center, and Rob Moschello, who is the site engineer.
11 Mr. Moschello then was succeeded in November by Eric
12 Keller, the traffic expert, who testified persuasively
13 regarding traffic concerns.

14 Tonight we'll present Mr. Peter Steck,
15 the applicant's planner. We'll go over the criteria
16 for the use variances sought by this application. To
17 forecast the future a little bit, although it
18 sometimes that's a dangerous task, but Mr. Moschello
19 will come back at sometime in the future to go over
20 how the plans have changed in several material ways
21 from what was originally introduced back in July or
22 June. And then after Mr. Moschello testifies,
23 Mr. Cohen for the JCC will give a summation for the --
24 on behalf of the JCC, and I will give a summation on
25 behalf of applicant.

1 I would expect that when he returns at
2 some future, Mr. Moschello will address the recent
3 letter from the board engineer, Mr. Burr, concerning
4 stormwater management.

5 So that's what the past has been, and the
6 future. If you have no questions, I'll move forward.

7 CHAIRMAN FOOSE: I have a quick question.
8 I watched the -- November 12th was our last meeting?

9 MR. COAKLEY: Yes.

10 CHAIRMAN FOOSE: I watched that, you
11 know, interesting hearing. Our planner had asked
12 about distribution to the board of an OPRA that
13 Mr. Keller had referenced in his testimony. I know
14 you had provided that to the board. And I wanted to
15 make sure that all the board members saw that.

16 Katherine, that's where we left -- we
17 actually ended on that question. Do you have any
18 questions pertaining to that OPRA, and is there
19 anything that you want to follow up with Mr. Coakley
20 or Mr. Keller on?

21 MS. SARMA: No. I appreciate them
22 sending that. I actually didn't do the follow-up work
23 to that. Bill did some follow-up work on it after we
24 received that.

25 CHAIRMAN FOOSE: Yeah. It's where we

1 questioned him about it, actually.

2 CHAIRMAN FOOSE: We didn't have it. We
3 didn't have the OPRA request.

4 MR. COAKLEY: No. He testified exactly
5 about it, sir. He testified --

6 CHAIRMAN FOOSE: Well, that's incorrect.
7 I watched that hearing today and he did not provide
8 the board with that OPRA.

9 MR. COAKLEY: Yes. I read the
10 transcript, and he testified exactly where -- what he
11 OPRA'd.

12 MS. SARMA: He testified that the -- to
13 the OPRA. And he showed that it was an appendix to
14 the -- that the actual document, the police reports
15 that they received were an appendix to the traffic
16 report.

17 CHAIRMAN FOOSE: But the OPRA was not.

18 MS. SARMA: Because we didn't even get
19 the OPRA -- the actual OPRA request document until
20 after the board hearing, that was an indication that
21 it was still an open-ended item in my -- in my eyes
22 and that we never really got to respond to what the
23 actual points were. We had the police reports from
24 what they did OPRA, but we didn't have the actual
25 requests to see what the police were responding to.

1 left the meeting off. And, you know, I had some
2 questions because frankly, you know, in my opinion, I
3 thought the OPRA was very narrow to only include that
4 in the request. And, you know, I'm wondering what
5 your thoughts are.

6 MR. BURR: No. Mr. Chairman, that's my
7 exact thought is, you know, after the meeting,
8 Mr. Coakley's office was kind enough to provide the
9 results of the OPRA, actually what was initially
10 requested and then the information that the police
11 department provided.

12 But my initial thought was exactly the
13 same. It was the question of, why was the request
14 made that was so narrowly scoped to the subject
15 property, and why wasn't it expanded, you know, 1,000,
16 2,000 feet beyond the limits of the property to get --
17 just to paint a clearer picture of how that corridor
18 operates. So I had the exact same question. And I
19 think Mr. Rached agrees with me as well.

20 CHAIRMAN FOOSE: Okay. Your thoughts,
21 Mr. Coakley?

22 MR. COAKLEY: Well, Mr. Keller was here.
23 He explained why he did the OPRA that way. It was
24 certainly the most critically adjacent stretch of
25 roadway that applies to this site. And no one

1 CHAIRMAN FOOSE: And we have that now.
2 The board has that now.

3 MS. SARMA: We do.

4 CHAIRMAN FOOSE: And we're not able to
5 question Mr. Keller because he's not here tonight.

6 MR. COAKLEY: Well, Mr. Keller has
7 testified for three -- three hours plus. He has
8 testified exhaustively. And the board engineer also
9 gave testimony to the board as well.

10 CHAIRMAN FOOSE: Yeah. That was last
11 year, though. The board has a new engineer. So we'd
12 like to give Maurice an opportunity, from Colliers
13 Engineering, who has now been retained by this board,
14 to question Mr. Keller on this narrow OPRA request.

15 MR. OLLER: We also have a police report,
16 which you should have, right?

17 MR. COAKLEY: We don't have that police
18 report. So that's...

19 CHAIRMAN FOOSE: 2-8-25? You can have my
20 copy, if you want.

21 MR. COAKLEY: Other than Mr. Keller's
22 police report?

23 CHAIRMAN FOOSE: No. We have Bridgewater
24 Township Sergeant Dan Hennessy.

25 MR. COAKLEY: Your Mr. Hennessy did not

1 bother to attach that to his letter, or at least not
2 that we got.

3 CHAIRMAN FOOSE: You can have mine.

4 MR. COAKLEY: Okay, thank you.

5 CHAIRMAN FOOSE: Nancy, the applicant
6 didn't get that?

7 MS. PROBST: I think there's some
8 confusion over -- the OPRA was for police reports.
9 That's the report from the police, the memo, just as
10 the other internal memos, such as Katherine's and
11 Bill's that were sent over to Starbucks.

12 MR. OLLER: So the police department's
13 review memo?

14 MS. PROBST: Yes. They were sent with
15 the other review memos.

16 MR. COAKLEY: Right. We got the memo
17 from Sergeant Hennessy. But we didn't get any OPRA
18 that he submitted or any OPRA response.

19 CHAIRMAN FOOSE: Okay. So you have no
20 comment on Mr. Hennessy's letter?

21 MR. COAKLEY: We haven't seen it. His
22 letter, all of those points were addressed during the
23 testimony, the exhaustive testimony, and presumably
24 persuasive testimony.

25 CHAIRMAN FOOSE: Mr. Hennessy, quote,

1 indication that the OPRA request, because it was
2 located at intersections, not the whole stretch of
3 roadway, they were actually additional crash data.

4 So I was assuming Mr. Keller was coming
5 tonight to respond to this memo.

6 CHAIRMAN FOOSE: As was I.

7 MS. SARMA: Because it does exceed the
8 number of crashes and police reports that were part of
9 the initial traffic report.

10 MR. COAKLEY: What we got of course did
11 not indicate what stretch of roadway was looked at by
12 Mr. Hennessy, Sergeant Hennessy.

13 CHAIRMAN FOOSE: Okay. We'll leave that
14 open, and the board can weigh it as they will.

15 MR. COAKLEY: Mister -- in any event, Mr.
16 Keller was not available this evening, so that was
17 another -- another issue.

18 CHAIRMAN FOOSE: Okay.

19 MR. COAKLEY: So I'd like to move into
20 evidence two documents, R-4, which is the engineer's
21 set of plans and aerials, and R-5, which is the sight
22 distance study document that Mr. Keller utilized.

23 MR. OLLER: Mr. Coakley, we're using A
24 just as Applicant. But A-4, again just describe what
25 A-4 is.

1 "The addition of 60 units in this area will inevitably
2 lead to an increases in traffic volumes. As it
3 stands, the current infrastructure is already strained
4 during peak hours."

5 MR. COAKLEY: I mean, Mr. Keller's
6 opinion was that there was nothing in that report that
7 needed further elucidation.

8 CHAIRMAN FOOSE: His opinion was
9 predicated on a very narrow OPRA search. You've heard
10 from two board professionals, and maybe we can have a
11 third professional, Maurice, weigh in that the OPRA
12 maybe wasn't adequate for his three hours of
13 testimony. I think it was a little less than that
14 but...

15 MR. COAKLEY: Well, it was -- it was
16 certainly adequate enough at the time that nobody
17 asked any questions or suggested that he should do a
18 greater OPRA search.

19 CHAIRMAN FOOSE: Because we didn't have
20 the OPRA. I never saw that OPRA.

21 MR. COAKLEY: It was in the record.

22 MS. SARMA: I just want to clarify. The
23 police department's review memo included a check of
24 motor vehicle crash data from 2020 until now showed 23
25 accidents in this stretch of roadway, which is an

1 MR. COAKLEY: It's a four-page set of
2 documents prepared by Mr. Moschello's firm that has
3 the site layout, the aerial photographs, that sort of
4 thing. Four documents. It's called the -- it's
5 called the engineering documents in the -- in the
6 discussion. A-4.

7 MR. OLLER: A-5?

8 MR. COAKLEY: A-5 was the sight distance
9 study that Mr. Keller utilized. If you recall, he had
10 a document that supported his 671-foot or more sight
11 distance.

12 MR. OLLER: Okay. So, I'm sorry, but I
13 have an A -- I'm just looking at what we already
14 marked. So I have A-5. Is this what you're referring
15 to that Mr. Keller used?

16 MR. COAKLEY: Yes. That looks like it.

17 MR. OLLER: So I have that marked already
18 as A-5.

19 MR. COAKLEY: We've marked them but not
20 moved them into evidence. So they've both been
21 supported by testimony, in one case Mr. Moschello, in
22 the other case Mr. Keller.

23 MR. OLLER: That's acceptable. Thank
24 you.

25 (A-4, Engineering Documents Including Site

1 Layout and Aerial Photographs, Four Pages, marked for
2 identification.)

3 (A-5, Sight Distance Study, marked for
4 identification.)

5 MR. COAKLEY: All right. So I'd like to
6 call Mr. Peter Steck. I'll allow Mr. Steck to have
7 the podium. I will get out of the way a little bit.

8 MR. OLLER: So, Mr. Steck, if you would
9 raise your right hand, please. And, you know what, we
10 haven't sworn in Mr. Rached, since he's our new
11 engineer, to this application. Why don't you stand as
12 well. I'll swear both of you at the same time.

13 Do you solemnly swear that the testimony
14 that you will give to this board will be the truth,
15 the whole truth, and nothing but the truth, so help
16 you God.

17 MR. RACHED: I do.

18 MR. STECK: I do.

19 MR. OLLER: And your name for the record,
20 please?

21 MR. STECK: Peter Steck, S-T-E-C-K.

22 MR. RACHED: Maurice Rached, R-A-C-H-E-D.

23 MR. OLLER: Thank you very much,
24 gentlemen.

25 MR. RACHED: Thank you.

1 Q. And have you worked for as a planner
2 municipalities?

3 A. Yes. I've worked for several
4 municipalities. And more recently now, I guess my
5 practice is split between developers in some cases
6 and neighborhood groups in other cases.

7 CHAIRMAN FOOSE: The board accepts
8 Mr. Steck.

9 MR. STECK: I believe I've appeared here
10 before.

11 CHAIRMAN FOOSE: You're good. We accept
12 him as a Professional Planner.

13 MR. STECK: Thank you.

14 DIRECT EXAMINATION BY MR. COAKLEY:

15 Q. So, Mr. Steck, what is your purpose here
16 this evening?

17 A. My purpose is to analyze the variances
18 that are being sought as part of this bifurcated
19 application.

20 Q. All right. And maybe we start with, if
21 you would enumerate the variances?

22 A. Yes.

23 Q. The use variances.

24 A. So, as the board is aware, we are
25 separating the subdivision and the so-called C or

1 MR. COAKLEY: Mr. Steck -- am I being
2 picked up here?

3 VOIR DIRE EXAMINATION BY MR. COAKLEY:

4 Q. Mr. Steck, what is your profession?

5 A. I'm a planner in New Jersey.

6 Q. All right. Are you licensed?

7 A. Yes. I was licensed in 1976, and still
8 hold that license.

9 Q. And do you have a Master's degree in
10 planning?

11 A. Yeah. I have a Bachelor's degree in
12 Civil Engineering and a Master's in City and Regional
13 Planning from Rutgers.

14 Q. Okay. Just give us a thumbnail of your
15 career for purposes of qualifications.

16 A. In the past, I've worked for two
17 consulting firms, Malcolm Kasler & Associates and
18 Alvin Gershen & Associates. I was the planning
19 director for the Township of Montclair for about nine
20 and a half years. For the last over 20 years, I've
21 been self-employed as a community planning
22 consultant. I've testified in approximately 230
23 municipalities in New Jersey and been accepted as an
24 expert planning witness in those jurisdictions as
25 well as in superior court and tax court.

1 bulk variances as a future issue. And right now we
2 are seeking D variances.

3 So one of the variances is that the JCC,
4 which was originally a permitted use in the zone a
5 number of years ago, became a conditional use that
6 didn't meet the conditions. And you can look at that
7 as a D(1) variance because it's not fully a permitted
8 use. You could look at it as a D(3) variance in that
9 it's a conditional use that doesn't meet all the
10 conditions. But, in any event, it's a D variance
11 because we don't have the status of an outright
12 permitted use.

13 If we had frontage on Route 202-206, we
14 would meet all the conditions and would be considered
15 a permitted use. But we don't do that.

16 The townhouse, the age-restricted
17 townhouse portion, clearly involves a D(1) variance,
18 so-called Medici case. And we are also seeking a
19 floor area ratio variance and a density variance. So
20 those are the D variances that are associated.
21 That's why we're here before this board. That's why
22 we need five affirmative votes in order to secure
23 approval.

24 If we get that approval, as the board is
25 aware, we will return with site plan subdivision and

1 any bulk variances, C variances, as the second phase
2 of a bifurcated application.

3 Q. All right. Would you say that the
4 density and the FAR variances are resultant
5 variances, in other words, a result from the basic
6 use variance sought?

7 A. Right. I would say the apparent
8 variance is the D(1) use variance because it's an R40
9 zone that doesn't permit attached housing. And the
10 standards that were cited in terms of density and FAR
11 were intended for single-family detached houses. So
12 we did cite them as relief that's needed, but, in my
13 view, they're simply linked with the fact that we're
14 proposing a use that wasn't permitted in the zone and
15 the density and FAR standards were intended for a
16 permitted use, detached single-family homes.

17 Q. All right. So now let's just address
18 the JCC use variance, first of all. Why is the JCC
19 entitled to a use variance, in your opinion?

20 A. So it is, in my opinion, an inherently
21 beneficial use. This municipality has addressed it
22 in the past as under the category of a house of
23 worship. And indeed there are religious aspects to
24 -- components of it. But it is a charitable
25 institution. While there are again some religious

1 Q. So let me address the legal test here
2 for this use variance.

3 CHAIRMAN FOOSE: Mr. Coakley, can you put
4 the microphone a little bit closer? Thank you.

5 MR. COAKLEY: Is that better?

6 Q. So what is the Sica test; do you know?

7 A. So, as the board is aware, there are a
8 number of uses that are called inherently beneficial
9 uses, which means their very nature they promote the
10 public welfare. Houses of worship are one of them.
11 Daycare centers.

12 And so there's a -- as the board is
13 familiar, I presume, there's a four-step process.
14 The first one is to judge the magnitude of the public
15 benefit. Some inherently beneficial uses, like a
16 head trauma center, are more important to the public
17 welfare than, like, the storage of school buses. So
18 the first one is, what is the public good that arises
19 from this use?

20 And, again, by the very nature of the
21 applicant, the Jewish Community Center of Somerset,
22 Hunterdon and Warren Counties, this is a regional
23 facility that provides social and recreational
24 services, a tax-exempt organization. It's been
25 treated in the past as in the general category of a

1 services associated with it. There is daycare.
2 There is recreational opportunities. As you know,
3 it's a regional organization handling several
4 counties.

5 So my view is that it should be judged
6 as an inherently beneficial use that is expanding by
7 the addition of 3 acres that would be incorporated
8 into the parent campus. And, as you know from the
9 past testimony, it's not that new buildings are being
10 proposed. We're going to use one of the dwellings
11 that's on that 3 acres to be subdivided as an office.
12 There is open space and storage associated with it.
13 So it's going to be incorporated into the -- into the
14 campus but without necessarily new construction.

15 The only new construction which is
16 significant, as you know that as this application
17 evolved, we're going to have an emergency connection
18 between the JCC campus and the proposed townhouse
19 project. And that's mutually beneficial. That means
20 that each development, even though -- as you know,
21 even how the RSIS would not require a second means of
22 access from the townhouse development to enhance the
23 public safety and protection, we are going to have a
24 road connecting the two campuses that will be gated
25 but available for emergency services.

1 house of worship. So the first step is, what's the
2 magnitude of the public benefit?

3 Number two, the board is to say, what
4 are the negatives that arise from this expansion? Is
5 there more traffic, more light, more noise?

6 The third one is to say, are there
7 reasonable conditions that you can envision that can
8 be imposed that would lessen those negatives that
9 arise from this expansion?

10 And then the last stage of the Sica test
11 is to conclude on balance whether the negative
12 criteria are satisfied, given that there are public
13 benefits that arise from this?

14 So as I looked through this, this is a
15 major regional organization that has many social
16 benefits. It is well used, both for cultural
17 reasons. It is not restricted to members of the
18 Jewish faith. Anybody can belong to this. But it's
19 been treated in the past under the general category
20 of a house of worship, but it is a charitable
21 institution and provides, in my opinion, a
22 significant public benefit, not only to this
23 municipality but to a three-county region.

24 We're expanding the campus by 3 acres
25 that would be finalized in a future subdivision. And

1 that activity -- we're not building new construction
2 there. We're converting a house to office use.
3 There's going to be storage there. But not many
4 changes.

5 So the existing activity that occurs on
6 the campus, while technically we're increasing by
7 3 acres the campus area, the level of land use
8 impacts is simply going to be dispersed a little bit
9 into those 3 acres but not intensified. So if you
10 stood at the driveway on this facility, essentially
11 you won't see any difference before and after because
12 we're not increasing any programming. This is just
13 to expand and spread out the campus area.

14 It is -- it has been here a long time.
15 Again, it was a permitted use at one time.

16 CHAIRMAN FOOSE: Mr. Steck, why are we
17 talking about this inherently beneficial use that's
18 ancillary to the housing? Is the housing inherently
19 beneficial that's being proposed?

20 MR. STECK: No.

21 CHAIRMAN FOOSE: So why are we spending
22 so much time? I don't think there's a board member on
23 here --

24 MR. COAKLEY: Because there's two
25 variances. We want to put the proof on the record

1 there's a variance.

2 CHAIRMAN FOOSE: This board is not in the
3 habit of denying inherently beneficial uses. We did a
4 case in an hour recently. So you're spending the
5 majority of your limited time in front of this board
6 where you, you know, have canceled meetings in the
7 past. We're trying to accommodate you tonight. Why
8 wouldn't you spend your testimony on time of the
9 primary use?

10 If the housing is not inherently
11 beneficial, we're not going to deny an inherently
12 beneficial use to a house of worship. It's confusing.
13 I mean, you have limited time. You're free to use it
14 as you wish.

15 MR. COAKLEY: We appreciate the guidance.
16 We'll move on. Thank you.

17 Q. All right. So moving on, Mr. Steck, to
18 the variances related to the townhouse development.
19 What are the applicable legal tests of those
20 variances?

21 A. So this is a D(1) Medici case because
22 it's a use that is not permitted in the zone, which
23 is only a single-family zone.

24 Again, it was intended -- the density
25 would only permit, if these were single-family homes,

1 12 dwelling units. We're proposing 60 dwelling
2 units. And there is an FAR issue that we exceed.
3 And, again, it was designed -- your 0.17 FAR was
4 designed for single-family houses. You didn't want a
5 big single-family house in a traditional
6 single-family neighborhood. And that's why the FAR
7 was there.

8 Your ordinance also applies them to
9 nonresidential uses, which is more typical. But, as
10 I mentioned earlier, the density in the FAR were
11 intended for single-family detached homes. And
12 obviously that's not what this application is about.

13 Q. All right. So looking at the
14 residential use, has that residential use satisfied
15 the purposes of zoning under Section 2 of the MLUL?

16 A. In my opinion, it does. So we're
17 talking about the Medici decision. I have to show
18 you -- I have to demonstrate to you that there are
19 some purposes of the Municipal Land Use Law that are
20 advanced, that the use is particularly suited to the
21 property. And I have to show that it meets the
22 negative criteria under the so-called inherent --
23 under the so-called enhanced burden of proof.

24 So I believe the board has a report that
25 I produced October 11, 2024. And I listed a number

1 of purposes. Before I get there, I just want to --

2 Q. Let me just stop you for one second.

3 A. Yeah.

4 MR. COAKLEY: Does the board have his
5 report in front of them?

6 MR. OLLER: We do.

7 MR. COAKLEY: Okay. I'd like to have
8 that marked, Mr. Oller, as A-6, if you don't mind.

9 MR. OLLER: Sure, A-6.

10 (A-6, Report of Peter G. Steck, P.P.,
11 marked for identification.)

12 MR. STECK: Just to lay some foundation,
13 on the fourth page of my report, which is A-6, I had a
14 plate, Plate 4, that shows the existing land use
15 pattern and the existing zoning. And one of my
16 observations is that this is in a corridor sandwiched
17 between 287, which is a controlled access highway, and
18 the State Highway 202-206.

19 And if -- on the right-hand side, if you
20 looked in the zoning in that portion of the zoning
21 map, all you see is single-family zones. But as you
22 can see from the color coding, the area is quite
23 different from what you would think of is a solid
24 single-family area. And I depict the range of land
25 uses that are in that existing land use diagram.

1 And I went further than that. On the
2 next page I looked at the whole corridor. And what I
3 want to emphasize is that there's a lot of different
4 uses in this corridor. There is a mixture of some
5 single-family areas.

6 Now, we have a single-family area to the
7 south and north of us, but they weren't integrated.
8 You know, to north of us is West Foothill Road. And
9 although that was a cul-de-sac that was extended,
10 there was no stub street that was supposed to connect
11 to our property. So we can't go north and integrate
12 with that neighborhood. And to the south of us are
13 three flag lots, again without any way to integrate
14 our property with that area.

15 So our property is really oriented toward
16 the state highway. And, as the board knows, it's
17 farmland assessed with a commercial farm stand in
18 front and two dwelling units in the rear.

19 Part of my analysis was to not only look
20 at the surrounding area -- and, as you know, there
21 have been a number of changes over the years, mostly
22 at the northern end. You've had new houses of worship
23 come in. You've had multifamily come in in the
24 corridor.

25 But when I address the negative criteria,

1 like a circulation element, housing element, land use
2 element, most importantly. And I -- I mean, I was
3 going to wait until Mr. Steck finished.

4 CHAIRMAN FOOSE: Mr. Steck is framing it
5 as a 1990 dated document, but that's not the reality,
6 it sounds like.

7 MS. SARMAD: No. And, actually, some of
8 the documents from 2010, 2014, 2005 included
9 recommendations that no new Master Plan should be
10 conducted, you know, which is more recent than the
11 1990. With the 2014 Master Plan including that a new
12 Master Plan is not warranted at this time. Recent
13 Master Plan elements of recreational, economic
14 development circulation have been adopted in the
15 township's continuing effort to address the goals and
16 objectives of the 1990 and 2005 Master Plan.

17 MR. COAKLEY: Chairman, I appreciate your
18 vigor, but you're interrupting his testimony.

19 CHAIRMAN FOOSE: But he's giving
20 incorrect information that I know is incorrect, and I
21 want to make sure the board has the proper information
22 to adjudicate your case in the most efficient manner.

23 MR. COAKLEY: We'll let you -- when did
24 you get sworn in?

25 CHAIRMAN FOOSE: Members of the public

1 I'm going to have to talk about your Master Plan,
2 because I have to show that it is not -- doesn't
3 substantially impair the intent and purpose of your
4 Master Plan.

5 The Master Plan is different from the
6 re-examination report, as you know. Your last Master
7 Plan was done in 1990, which is a long time ago. Your
8 1990 Master Plan looked at this neighborhood that this
9 property is in, Neighborhood C, and said in the short
10 term, we want it to stay single-family. So it's true
11 your Master Plan didn't say put townhouses here. It
12 said in the short term that this should be a
13 single-family area. We don't want to change it.

14 CHAIRMAN FOOSE: Is that a quote? It
15 says "short term" in our Master Plan?

16 MR. STECK: Yes. It's in the title of
17 the whole paragraph.

18 CHAIRMAN FOOSE: Has there been some more
19 recent reviews of our Master Plan, Katherine?

20 MS. SARMAD: There have been a number.

21 CHAIRMAN FOOSE: A number. So we're not
22 working off a 1990's data?

23 MS. SARMAD: No. There's been a number
24 of Master Plan re-examination reports. And then there
25 have been a number of elements to the Master Plan,

1 are also entitled to hear -- when a witness says 1990,
2 that's not the reality.

3 MR. COAKLEY: The last Master Plan was in
4 1990. That's a fact.

5 MS. SARMAD: Mr. Foose, I have no problem
6 with Mr. Steck finishing the testimony. And I'll
7 address all of this when he finishes.

8 CHAIRMAN FOOSE: Perfect. Thank you.

9 MS. SARMAD: No problem.

10 MR. STECK: So the last comprehensive
11 Master Plan, at least on your website, is the 1990
12 Master Plan. That was prepared, you know, a year
13 before. And actually, for example, that depended upon
14 -- the last census was 1980. And I'll address this
15 later. But in 1980, the portion of your population
16 that was 55 and over was about 17 percent. In the
17 last decennial census, 2020, that is 31 percent. So a
18 marked change in the composition of your population
19 since that time.

20 The title on the 1990 Master Plan said
21 that it was a short-term recommendation to keep the
22 single-family. Since that time -- when that was
23 adopted, the cycle for updating the Master Plan was
24 six years. Now it's ten years. But the answer is,
25 it's been 34 years since that comprehensive Master

1 Plan was done.

2 Your most recent re-examination report,
3 which is not the Master Plan, not the test of the
4 negative criteria, says that you need a new Master
5 Plan. The 2022 re-examination report says you need a
6 new Master Plan.

7 Now, I know you're apparently working --
8 the Planning Board is working on it now. But the last
9 comprehensive Master Plan that specifically addressed
10 this area is the 1990 Master Plan, as I reviewed it.

11 So, in my opinion, there are several
12 purposes of the Municipal Land Use Law that are
13 advanced by having this age-restricted housing. And,
14 again, while the federal law allows 20 percent to be
15 nonage-restricted, the applicant has invited a
16 condition that all of the units would be
17 age-restricted here, so there must be a householder
18 that is 55 and older. And there cannot be residents
19 that are 18 and under, school-aged children.

20 MR. OLLER: Let me just stop you there
21 for one second.

22 Mr. Coakley, in my notes, there was
23 something in some prior testimony about the age being
24 62. Did you guys say that at some point, that you
25 would age restrict it at 62?

1 of attention paid to age-restricted housing. It
2 wasn't really popular, so popular at that time. But
3 because of the population shift, in my opinion, it
4 does promote the public welfare by providing this type
5 of housing, which clearly is a greater portion of the
6 population in Bridgewater than has historically been
7 the case.

8 Q. Mr. Steck, did you do a study of the
9 population in Bridgewater to determine what
10 percentage of the population is -- would be eligible
11 for this type of housing?

12 A. Yes. So based on the latest census,
13 there's a total population of 46,079. And 55 and
14 over is 14,803, so that's 32.1 percent of the
15 population compared with in 1980 it was only 17.

16 Q. All right. So I'm going to show you a
17 bar chart. Did you prepare that?

18 A. I did.

19 Q. And what does that show?

20 A. That shows just what I said, although it
21 breaks it down into the smaller age categories. But
22 it documents the percentage that I indicated.

23 MR. COAKLEY: All right. We've marked
24 this as A-7. We'd like to distribute this to the
25 board.

1 MR. COAKLEY: The federal law is 62.

2 MR. OLLER: I understand that. But there
3 was some discussion about 62. Are you saying that the
4 condition that you're proposing would be at 55?

5 MR. COAKLEY: Yes.

6 MR. OLLER: Okay.

7 MR. COAKLEY: Let me be precise. It
8 would be 55. It would be no school-aged children,
9 period. And it would not have the 80 percent
10 limitation that you have in federal law. So it would
11 be a true age-restricted development without any
12 nipping on the edges.

13 MR. OLLER: Okay.

14 MR. STECK: So just to address also the
15 -- some of the criteria. I mentioned in my A-6 report
16 several purposes of the Municipal Land Use Law in
17 N.J.S.A. 40:55D-2. And I referenced A, G, H, I and M.
18 And the language is included in my report on page 5.

19 In terms of A and promoting the public
20 welfare, I'll emphasize two things. Part of this
21 project is to transfer 3 acres to the JCC, which is,
22 in my opinion, an inherently beneficial use. So that
23 part of the application clearly benefits the JCC.

24 As I noted, the last time there was a
25 comprehensive Master Plan, there was really not a lot

1 MR. OLLER: Yeah. I'm sorry, just
2 describe what A-7 is again.

3 MR. COAKLEY: It's a Bridgewater Township
4 New Jersey Population by Age Group bar chart.

5 MR. OLLER: And where did you get that?

6 MR. STECK: This is from the U.S. Census
7 website. And it's --

8 MR. OLLER: As of what date?

9 MR. STECK: Let me just verify. This is
10 the five-year estimate from 2022.

11 (A-7, Bridgewater Township New Jersey
12 Population by Age Group Bar Chart, Five-Year Estimate
13 from 2022, marked for identification.)

14 MS. AMIN: Can I ask a question while
15 you're on this page, page number 5? Somewhere you say
16 that multi-family --

17 CHAIRMAN FOOSE: Ms. Amin, can you talk
18 into the microphone? Could you use the microphone?

19 MS. AMIN: Recommend between 5 and 10
20 units per acre, that's what it says?

21 MR. STECK: I'm sorry, I can't hear what
22 your question is.

23 MR. COHEN: Mr. Chair, the reporter is
24 having difficulty hearing.

25 CHAIRMAN FOOSE: I've asked Ms. Amin to

1 use the microphone the best I can do.

2 MS. AMIN: Okay. In this -- on this page

3 5 --

4 MR. STECK: Yes.

5 MS. AMIN: -- somewhere down at the
6 bottom it says the multi-family densities were
7 recommended to range between 5 and 10 units per acre,
8 right? Am I looking at the... On this page, page 5.

9 MR. STECK: Oh, that's a different
10 exhibit. So I'm happy to answer questions about that
11 but..

12 MS. AMIN: At this location?

13 MR. COAKLEY: Madame, I'm going to pass
14 out the exhibit he's talking about now.

15 MR. STECK: I'm happy to answer your
16 question later. But we probably should get this
17 exhibit distributed on the population first.

18 CHAIRMAN FOOSE: Let's hand that out.
19 And let's make sure members of the public can get a
20 copy as well. Chris, if you can just make sure
21 members -- oh, never mind. Thank you.

22 MR. STECK: So let me just continue
23 through some public purposes.

24 BY MR. COAKLEY:

25 Q. Why don't you just finish up talking

1 considered the density range as 5 to 10 units an acre
2 in that document. It said it's a good planning
3 policy to locate that on the busier highways, such as
4 202 and 206 was referenced.

5 Q. And what's the density for this proposed
6 townhouse project?

7 A. It's 5.03 units an acre. So we're at --
8 according to the Master Plan, we're at the low end of
9 the density.

10 Q. All right. Do you want to finish up on
11 how the project meets the purposes of zoning?

12 A. Right. Purpose G talks about providing
13 sufficient space in an appropriate location. And as
14 I indicated, there's a wide variety of uses in this
15 corridor. We do have access to a state highway.
16 There's been extensive traffic testimony about that.

17 We are isolated from the residential
18 uses. If the subdivision to the north would have had
19 stub streets that stopped at our property, I probably
20 wouldn't be here tonight, because that showed an
21 intent to kind of integrate us -- this single-family
22 zone with existing development. But that's not
23 possible because of the way the abutting land uses
24 have been designed.

25 It's also an appropriate location partly

1 about the chart. What are the principles shown on
2 the chart?

3 A. The answer is that I would expect
4 because of the aging of the population in Bridgewater
5 that there would be a need and a demand for
6 age-restricted housing because it's such -- it's
7 almost a third of the population is eligible for this
8 type of housing. And, again, it's dramatically
9 different from the characteristics of your population
10 when the last full comprehensive Master Plan was done
11 and specifically talked about this area.

12 I recognize there have been amendments
13 in terms of, like, warehouses and other things, but
14 that 1990 document was your last comprehensive Master
15 Plan, as I looked at your website.

16 Q. Did the 1990 Master Plan indicate
17 anything about multi-family housing being constructed
18 along busy roadways or to that effect?

19 A. It did. It said that as part of its
20 policy, that multi-family housing should be located
21 on the busier streets, the state highways. And,
22 again, this property happens to be on 202-206.

23 So there was -- it didn't say
24 specifically on this property, but it said as a
25 planning principle, multi-family housing -- and it

1 because we're in a position to help JC expand their
2 campus, but we're in a position of having a joint
3 connection for public safety. And I think that
4 relates to Purpose H, which talks about the design of
5 transportation routes that promote the free flow of
6 traffic, et cetera, et cetera. I think there's a
7 public safety issue there that's promoted.

8 Purpose I talks about encouraging senior
9 citizen community housing construction. Under the
10 Municipal Land Use Law, that's 62 and over. They
11 define seniors as 62 and over. This is 55 and over.
12 But, in my experience, many of these occupants will
13 be 62 and over as they age in place. And it's again
14 a major part of your population that's 62 and over.

15 M talks about encouraging the
16 coordination of various public and private procedures
17 to lessen the cost of development and efficient use
18 of land. Again, this is a good location. It happens
19 to be -- it happens to abut a major regional
20 recreational facility. This is a convenient area.
21 Being on a state highway, it doesn't interrupt other
22 local residential streets. And I believe because of
23 the range of land uses here and the fact that we can
24 position these houses in a way that preserves the
25 environmental sensitive portions of the site that it

1 is an efficient use of land. Again, there's a wide
2 variety of uses in the area. And Route 202-206 again
3 is designed, intended for major -- major activities
4 in terms of traffic.

5 MR. SWEENEY: Excuse me, Mr. Steck. What
6 was the last sentence about preserving environmental,
7 blah blah blah?

8 MR. STECK: I was saying that as shown on
9 the conceptual plan, we are respecting the wetlands
10 and the riparian areas. Those are cut off. We're not
11 intruding on those. We're only proposing the
12 townhouses in the properties -- the portion of the
13 property that is very buildable.

14 MR. SWEENEY: Aren't you going to go in
15 and pretty much clear-cut the property where these
16 townhouses are going to go up?

17 MR. STECK: We're going to remove the
18 trees --

19 MR. SWEENEY: How many?

20 MR. STECK: -- where the townhouses are
21 going. But in terms of this --

22 MR. SWEENEY: How many?

23 MR. STECK: I don't know the number.

24 MR. SWEENEY: I do. 576, according to
25 your documents. That's how you're going to preserve

1 the environmental status of this property?

2 MR. STECK: We're preserving the areas
3 that are recognized, at least in state law, as needing
4 preservation in terms of the wetlands and the stream
5 corridor. But there will be trees removed.

6 MR. SWEENEY: A couple, yeah.

7 MR. STECK: I want to -- in my opinion,
8 it is particularly suited again because it's isolated
9 from the abutting residential areas. We happen to
10 because of our location be able to assist the JCC in
11 expanding their campus and because of again the whole
12 array of land uses that characterize this corridor.
13 And again there are commercial uses nearby at the
14 corner. There is a landscaping gardening business,
15 veterinarian across the street. This is not -- if you
16 looked at the zoning ordinance, you would say it's a
17 solid single-family area. That's not the case. I
18 want to --

19 Q. Is that all demonstrated on Plate 6 of
20 your report?

21 A. Yes. That shows the character of some
22 of the larger areas of the property in the corridor.

23 Q. Are they both -- are they business
24 properties?

25 A. There are office buildings. There is

1 retail, hair salons. There are dog grooming places.
2 There are major corporate campuses. There's a whole
3 range of -- a wide range of land uses that
4 characterize this corridor, as well as significantly
5 sized religious institutions that are some of the
6 more recent developments in the corridor.

7 In terms of the negative criteria, we
8 are at the low end of multi-family density. We're
9 5.03 dwelling units per acre. And you have many
10 zones that go up to 30 multi-family, 35 units an
11 acre, 16 units an acre. We are at the low end of
12 what your ordinance and Master Plan calls for.

13 CHAIRMAN FOOSE: Mr. Steck, where are
14 those located, higher density?

15 MR. STECK: In your multi-family zones.
16 You have 10 units an acre, 8 unit an acre.

17 CHAIRMAN FOOSE: Are they in proximity to
18 this project?

19 MR. STECK: No.

20 CHAIRMAN FOOSE: Thank you.

21 MR. STECK: There is a benefit, in my
22 opinion, to having age-restricted housing. And some
23 of the reasons are obvious. That you don't have
24 school-aged children, which tends to be, you know, the
25 biggest hit on the budget. But also the ITE shows

1 that the traffic generation per unit is substantially
2 less than housing that's not age-restricted. That's
3 in Mr. Keller's report.

4 Also, statistically, although there's not
5 a lot of data available, the peak parking demand is
6 less. And, again, it makes sense to you. These are
7 smaller households because there are no children
8 there. And a lot of traffic nowadays is associated
9 with having kids traveling to and from activities, et
10 cetera, et cetera.

11 Again, I think in terms of the negative
12 criteria, we do -- again, we have a fairly detailed
13 plan in front of you that's a concept plan. But as
14 you know, it's fairly highly engineered. So we can
15 demonstrate that we can meet the required setbacks of
16 the units. Now, there is a unit in back, you know, by
17 the 3-acre piece; that's internal to the project. But
18 in terms of the housing that's either north or south
19 of us, we comply with the setback requirements. And I
20 think we can demonstrate that by virtue of the level
21 of detail of the site plan.

22 Q. So, Mr. Steck, are you about finished,
23 or do you have anything else?

24 A. Maybe I should just recast and
25 summarize.

1 Q. Yeah, that would be better.

2 A. Okay. So apparently the burden of proof
3 is on the applicant. And, in my opinion, we meet the
4 Sica standard for the JCC. And I think I've talked
5 about the details of that certainly under the
6 four-step Sica standard.

7 In terms of the townhouse development,
8 in my opinion, there are several purposes of the
9 Municipal Land Use Law that are advanced. That it is
10 particularly suited because of its location and its
11 ability to benefit the JCC.

12 I do believe that we satisfy the
13 negative criteria because of the -- and, again, we're
14 not at the final site plan stage yet. That
15 potentially is another stage. But because of the
16 location of this property, the fact that we're at the
17 low end of the density, the fact that we do comply
18 with RSIS in terms of the road system, and on top of
19 that we're going to have a mutually beneficial
20 connection to JCC for emergency purposes, and because
21 -- you're doing a new Master Plan, but because of the
22 age of your last comprehensive Master Plan, in my
23 opinion, that's a factor that could be considered.
24 And my conclusion is that not only is this
25 particularly suited to the property, but it can be

1 MS. SARMA: Is there any statement of
2 objective related to providing affordable housing for
3 the township?

4 MR. STECK: I don't re -- if you --

5 MR. COAKLEY: Excuse me, Mr. Chairman. I
6 object to that question. There's nothing to do with
7 the grating or not granting of a use variance. The
8 question of affordable housing --

9 MS. SARMA: I have a question -- I just
10 have a -- I'm getting somewhere, if you allow me to.

11 MR. COAKLEY: But, I mean, again just be
12 aware that Ms. Sarma has already put in her report
13 that this is a matter up to Council.

14 MS. SARMA: I actually only included
15 that if a payment in lieu is what this board approves
16 as part of the application, that then the Council
17 would then determine or approve that decision
18 essentially because that's --

19 CHAIRMAN FOOSE: Let's just call a quick
20 timeout. Rich, why don't you put on the record what
21 the issue is.

22 MR. OLLER: Just on the payment in lieu
23 issue, it's my opinion that this board doesn't have
24 jurisdiction to determine that a payment in lieu would
25 be appropriate. I think if there is an approval,

1 approved without substantial detriment to the public
2 good and without substantial impairment of the zone
3 plan and zoning ordinance.

4 MR. COAKLEY: All right. Thank you,
5 Mr. Steck. That's all.

6 CHAIRMAN FOOSE: All right. Board
7 questions?

8 MR. FRESCO: Mr. Chairman, under the
9 circumstances, can we have the board professionals
10 comment first before the board questions? Do you mind
11 that?

12 CHAIRMAN FOOSE: Sure. I don't mind.

13 MR. FRESCO: I think because of the
14 issue. Unless somebody objects to that.

15 CHAIRMAN FOOSE: Yeah, no problem.

16 MS. SARMA: Sure. I have no problem
17 with that. Thank you.

18 Thank you, Mr. Steck. I have a quick
19 question about -- I'll focus first on the 1990 Master
20 Plan because that seems to be the focus of your
21 testimony and what you've gleaned from the Master
22 Plan.

23 Did have a chance to review the Statement
24 of Objectives in the 1990 Master Plan?

25 MR. STECK: I did, when I looked at it.

1 there would be a condition that the applicant would
2 have to go to the Town Council to get an agreement to
3 make a payment in lieu or the units to be onsite. All
4 right?

5 MR. COAKLEY: I agree totally.

6 MR. OLLER: Agreed.

7 MR. COAKLEY: I agree totally.

8 MR. STECK: And that's obviously part and
9 parcel of the nature of this application. We are
10 complying with your ordinance that does require a
11 component, which is either onsite or a payment in
12 lieu.

13 CHAIRMAN FOOSE: So our planner had a
14 question on that. I think it's applicable, especially
15 since you just agreed to the condition.

16 MR. COAKLEY: We've always agreed to that
17 condition. I suggested that condition.

18 CHAIRMAN FOOSE: It's the first I've
19 heard of it. Katherine, sorry to interrupt you.

20 MS. SARMA: That's all right. I'll move
21 on from that. We can get -- we can get back to the
22 affordable housing stuff at the end.

23 The 1990 Master Plan, you've captured the
24 recommendation of the Master Plan specifically for the
25 land use plan element within the 1990 Master Plan as

1 no Master Plan change proposed, retain existing low
2 density residential zoning as a short-term proposal,
3 correct?

4 MR. STECK: Yes.

5 MS. SARMAD: Are there any other
6 categories that show up in that Master Plan related to
7 the topic area?

8 MR. STECK: Related to which area?

9 MS. SARMAD: To this -- to the subject
10 area.

11 MR. STECK: Again, this was -- this was
12 -- in my judgment, it's appropriate to look at the
13 more specific regulations in a plan rather than the
14 townwide goals. And this was Neighborhood C that was
15 specifically commented upon in the matrix in the plan.

16 MS. SARMAD: You had it -- in your report
17 you actually hadn't previously looked at that. I had
18 raised that in my report. And I only ask that because
19 you've couched it as a short-term proposal, but the
20 Master Plan, which I don't think everyone has in front
21 of them, has categories for each policy. So there's a
22 policy that brings up a topic area, a short-term
23 proposal related to that, a long-term proposal
24 category, and evaluation and implementation.

25 So I think it's a mischaracterization to

1 policies that say where there's multi-family it ought
2 to be, you know, on a state highway. But it's my
3 practice to look at the more specifics. And that
4 Neighborhood C specifically showed this property. And
5 that's why I referenced the fact that there was a
6 short-term proposal here. So that tells me that the
7 things could change. And one would think that after
8 34 years, a lot may have changed.

9 MS. SARMAD: Okay. So we'll move on from
10 the 1990 Master Plan, because that's a really good
11 segue.

12 Did you review -- I know you mentioned
13 that the other Master Plan re-examination reports talk
14 about warehouses and things of that nature. Did you
15 have a chance to review any of the Master Plan not
16 only re-examination reports but land use element
17 amendments that were done since 1990?

18 MR. STECK: I looked at everything on
19 your website. If there's something not on the website
20 I didn't look at it. But those other plan elements
21 talked about Route 22. There wasn't one that I saw
22 that specifically addressed this neighborhood.

23 MS. SARMAD: So I mean --

24 MR. STECK: And just to make sure it's
25 clear, the fact that there is a re-examination report,

1 call it a short-term goal but rather how they address
2 that policy.

3 MR. STECK: It was termed a short-term
4 proposal. That's where it is in the -- in the chart.

5 MS. SARMAD: Is there a long-term
6 proposal for it?

7 MR. STECK: There is -- I don't recall
8 one that was specific to this neighborhood.

9 MS. SARMAD: Is there evaluation in that?

10 MR. STECK: I don't recall the specific
11 wording, but I --

12 MS. SARMAD: There's a blank. It's blank.
13 I'll give you a spoiler alert. It's blank.

14 MR. STECK: But --

15 MS. SARMAD: So there are no long-term
16 proposals --

17 MR. COAKLEY: If the questioner did not
18 constantly interrupt the witness.

19 MS. SARMAD: Well, he said he didn't
20 remember the wording and it was blank.

21 MR. COAKLEY: Well, you never give him a
22 chance to answer so it's hard to answer.

23 MR. STECK: I'll repeat that when I
24 review a master plan, you know, a lot of people kind
25 of look to the townwide categories. And you do have

1 that's only an tangentially relevant in terms of the
2 negative criteria, because the negative criteria have
3 to do with the Master Plan itself rather than the
4 re-examination report.

5 MS. SARMAD: Did you happen to read the
6 2005 Master Plan amendment and re-examination report?

7 MR. STECK: At one time I did.

8 MS. SARMAD: There is an actual reference
9 to the Route 202-206 corridor and senior citizen
10 housing. Do you happen to remember what was included
11 there?

12 MR. STECK: I don't remember. But I
13 looked at all the documents on the website.

14 MS. SARMAD: So in the 2005 Master Plan
15 re-examination report and amendment, it included that
16 in the 1996 Master Plan re-examination report -- this
17 is on page 2 -- it was recommended that senior citizen
18 developments, including nursing homes, assisted living
19 facilities, continuing care retirement communities,
20 congregant care facilities be permitted in residential
21 zones when lots have frontage on Route 202, 206 or
22 Route 28. The development of senior citizen
23 facilities along this corridor has been the subject of
24 a Master Plan re-examination report adopted in the
25 spring of 2004. As a result of the shift in policy,

1 the Master Plan re-examination report eliminated these
2 uses.

3 So there was an actual -- it might not
4 have been specific to this property, but it's
5 definitely specific --

6 MR. STECK: But it didn't talk about
7 age-restricted housing. It was more a nursing home --

8 MS. SARMAD: Senior citizen development
9 included.

10 MR. STECK: Well, this -- again, this is
11 55 and over. It's not technically 62 and over.

12 MS. SARMAD: On page 9 of that same
13 report -- it is a re-examination report, so it
14 re-examines the 1996 re-examination report and
15 specifically limit the development of any additional
16 high density multi-family housing development unless
17 such are dedicated for the senior citizen housing.

18 MR. STECK: But the re-examination report
19 is not the Master Plan. It's a different section of
20 the Municipal Land Use Law.

21 MS. SARMAD: Under the extent to which
22 there have been significant changes and assumptions to
23 policies, which I think is important for this board to
24 see how policy is reviewed, it included Bridgewater
25 has several nursing homes within its borders and

1 describes them. It also has numerous senior citizen
2 projects, 62 years and older including Arbor Glen,
3 Centerbridge 1, Centerbridge 2, Autumn Woods, Avalon,
4 Brandywine, Woodmont, Four Seasons, and several senior
5 group homes, including yadda yadda.

6 CHAIRMAN FOOSE: One on Chimney Rock.

7 MS. SARMAD: And one on Chimney Rock.

8 So it says that this is -- this is great
9 that they're able to age in place. So I just wanted
10 to make it noted that there was an acknowledge of the
11 same use throughout the township. So because we --
12 you had mentioned that the re-examination reports were
13 limited to other categories, I do think that there's
14 pertinent information in those reports that should be
15 gleaned and should be talked about because they were
16 interim to 1990 and present day.

17 You've also mentioned that there are
18 other multi-family zones that allow higher densities
19 within the township, correct?

20 MR. STECK: Yes.

21 MS. SARMAD: And I believe the Chairman
22 asked.

23 MR. STECK: Yes.

24 MS. SARMAD: I think that's a good --
25 that's a good point for the board to realize that this

1 township has contemplated zoning, has contemplated
2 where appropriate densities should go through the
3 Master Plan recommendations, as have been implemented
4 over time, whether they be senior citizen developments
5 or they high density multi-family.

6 I appreciate the census data chart that
7 shows the age of population 55 and older in
8 Bridgewater. And I -- my questions related to this
9 are, one, are there other senior developments that
10 exist in Bridgewater that address the population that
11 you've brought the census data out on?

12 MR. STECK: There are existing
13 age-restricted communities. But my point is that
14 almost one-third of the population in Bridgewater is
15 eligible. There's been a significant expansion. And,
16 in my opinion, that's why this applicant feels that
17 there is a demand as well as a need to provide this
18 type of housing, because there has been such a
19 dramatic increase in this cohort of the population.

20 MS. SARMAD: Do you have the change in
21 population percentage from the -- from -- this is ACS
22 data, I guess, from the ten-year -- from ACS, the 2012
23 ACS, or 2010 census? Do you have a change in age --
24 in 55 and older population?

25 MR. STECK: For what census?

1 MS. SARMAD: Let's say the 2010. Let's
2 say the last --

3 MR. STECK: I looked at the -- I looked
4 at the -- the latest statistics is the five-year
5 estimate from the community survey. And I told you
6 that -- I think I already said what that year was.
7 And, again, I went back to the last comprehensive
8 Master Plan, which didn't have the 1990 data available
9 at the time. So they relied -- that plan started
10 being crafted in -- in 1988. And the only census data
11 then presumably was the 1980 census. And, again,
12 that's simply why I went to the 1980 census, where
13 only 17 percent of the population was 55 and over.

14 MS. SARMAD: Did you look at the changes
15 intermittently from the 1990 to --

16 MR. STECK: No, I didn't.

17 MS. SARMAD: -- 2000?

18 MR. STECK: Because I didn't think it was
19 helpful.

20 MS. SARMAD: So even though the township
21 has built senior citizen housing and age-restricted
22 and assisted living housing over the last 40 years,
23 you didn't think it was important to look at the
24 change in the gaps over those decades?

25 MR. STECK: No. I don't think that's --

1 I think what's relevant is what it is today. And
2 clearly it's not that every 55 and over person has to
3 be an age-restricted community. But there has been a
4 massive increase in the number. And my client has
5 made a marketing judgment. There is a significant
6 demand for this type of housing.

7 MS. SARMAD: Okay. Do you happen to --
8 did you do an analysis of the number of units, the age
9 of the units, the number of communities that are
10 age-restricted or assisted living that serve the
11 population that you've brought the data out on?

12 MR. STECK: No.

13 MS. SARMAD: Do you think that would be
14 helpful to ascertain rather than just the portion of
15 the population that we have that's aging, 55 and over?

16 MR. STECK: I suppose if I'm requested I
17 can do it. But I would suspect that -- again, there's
18 not a one-to-one relationship. Not everyone over age
19 55 wants to be in an age-restricted community. But I
20 would suspect that -- that portion of the population
21 greatly exceeds the number of units that are built
22 that are age-restricted now in Bridgewater.

23 MS. SARMAD: Okay, thank you. I believe
24 that the data on its own doesn't serve the -- doesn't
25 serve the argument of saying that there is a growing

1 if you're -- if you recall. In ITE, the latest
2 document, Category 220 is multi-family housing
3 low-rise. For 60 units, the average daily total was
4 413 trips. And for Category 252, which is senior
5 adult housing attached, so townhouses, the same 60
6 units, the average daily traffic was 216. So it's
7 roughly half in terms of the traffic generation.

8 The 5th Edition of ITE in terms of
9 parking -- peak parking generation, there's not a lot
10 of data but it has the same ratio. The peak parking
11 demand is, you know, maybe only 60 percent of what it
12 would be if it was -- it didn't have an age
13 restriction.

14 And, again, the obvious one is the --
15 it's -- they tend to be ratables rather than deficits
16 on the municipal budget because there are no
17 school-aged children.

18 MS. SARMAD: Okay. Thank you very much
19 for recapping that for me.

20 Unless the board has any questions or
21 wants some clarification on anything, I'd be happy to
22 answer those questions. But I have nothing further
23 for this witness.

24 CHAIRMAN FOOSE: All right. Thank you
25 very much, Katherine. Let's finish up with our other

1 need unless we look at the actual number of units we
2 have. If we have none, I would say absolutely. But
3 over time these have been -- and the Master Plan has
4 acknowledged that there have been a number of them and
5 that's why they were --

6 MR. STECK: But the Master Plan doesn't
7 quantify it. And, again, my -- the reason I'm talking
8 about that is there has been a dramatic shift in the
9 population based on what the crafters of the 1990
10 Master Plan had in mind.

11 MS. SARMAD: Yes. And my opinion -- I'm
12 sorry, I should make it more clear. My opinion is
13 that the Master Plan has acknowledged that since 1980,
14 or since 1990, a number of these developments have
15 been developed to address that and that's why the
16 policy shift was to not promote that or encourage that
17 anymore because -- because they were meeting that
18 demand. So that's my opinion.

19 The final topic I want to -- I want to
20 address is that your report had noted that
21 age-restricted housing generates lower land use
22 impacts. I think you touched upon it maybe as far as
23 traffic. Is there any data to support that?

24 MR. STECK: Yes. It's in the Keller
25 report documents. I'll tell you what the numbers are,

1 board professionals. I'd like to get members of the
2 public on the record that came out. We have a good
3 number of people here. And then we'll talk about our
4 next meeting. So Bill and Maurice, whoever's ready.

5 MR. BURR: I have just a couple of quick
6 ones, Mr. Chairman -- thank you -- for Mr. Steck here.

7 So I think after hearing all your
8 testimony, you concluded that the variances could be
9 granted without substantial detriment to the public
10 good, correct?

11 MR. STECK: Yes. And, again, recognizing
12 this is a bifurcated application and that if the D
13 variances are approved, we have to come back again
14 with a site plan and address the more specific issues.
15 It might change the plan. We don't know.

16 MR. BURR: Understood. Earlier tonight
17 in Mr. Coakley's introduction, we heard, however, that
18 the site engineer will return at some point in the
19 future, as I understand, to discuss subsequent or
20 future plan revisions, some of which may include
21 addressing my comments related to stormwater
22 management.

23 I think we've also heard ongoing concerns
24 about traffic, traffic impacts, the level of service
25 of the driveway and that corridor, history of traffic

1 accidents in that corridor, a newer memo from the
2 police Traffic Safety Division. We've also heard
3 questions about the lack of amenities being proposed
4 on the current plan.

5 MR. COAKLEY: Excuse me. Is there a
6 question for Mr. Steck?

7 MR. BURR: There is.

8 CHAIRMAN FOOSE: It sounds like he's
9 getting to one.

10 MR. BURR: You've heard concerns about
11 the 500 and some trees that are going to be removed.
12 There were prior concerns about lack of landscape
13 buffers. We've had discussion about an emergency
14 access driveway, which I think was mentioned by
15 Mr. Coakley at the prior hearing, but we haven't been
16 presented with that plan, that I recall. We've heard
17 concerns about steep slope disturbance, DEP potential
18 impacts that would require permits.

19 So I'm just curious -- and I may not have
20 touched on everything. We heard your testimony about
21 the FAR variance, which I think you're proposing as
22 part of this project three times what's allowed by the
23 ordinance?

24 MR. STECK: Yes. Were this a -- were
25 this single-family detached homes, yes.

1 allows me to make that conclusion.

2 CHAIRMAN FOOSE: Mr. Steck, did you
3 disagree with anything Mr. Burr just said in terms of
4 the negative criteria? Because he rattled off a long
5 list. Do you disagree with anything that he said?

6 MR. STECK: He had a list. I don't think
7 he opined that we didn't meet the negative criteria.

8 CHAIRMAN FOOSE: Would you like him to
9 read it again?

10 MR. STECK: He asked -- he asked me
11 whether given that if I would, you know, still
12 maintain my judgment, and the answer is I do.

13 CHAIRMAN FOOSE: Okay. He's a
14 professional. He's an engineer. And he asked you, do
15 you feel that the criteria can be met given all these
16 certain circumstances.

17 MR. STECK: And the answer is yes.

18 CHAIRMAN FOOSE: Okay. Do you disagree
19 with any of the points he just put on the record? I.

20 MR. STECK: Well, he --

21 CHAIRMAN FOOSE: I want to make sure that
22 you heard them, because they were fast and there was a
23 lot of them.

24 MR. COAKLEY: I'll stipulate we heard
25 him.

1 MR. BURR: Correct. And if this was
2 single-family, you're, I think, over 2-and-a-half
3 times what's allowed with the lot coverage or
4 impervious coverage.

5 So I'm just curious, in my mind as I run
6 through some of the list of concerns that the board
7 and the board's professionals have put on the record
8 previously, how you could conclude that these
9 variances could be granted without substantial
10 detriment to the public good.

11 MR. STECK: Well, a twofold answer.
12 Number one, the plans that you have in front of you
13 are more than just conceptual plans. They've been
14 fairly detailed from an engineering point of view.
15 And that gives me confidence that when the final site
16 plan and subdivision is proposed, there won't be
17 substantial changes.

18 That level of detail, I think, allows the
19 board to make a judgment on the bifurcated
20 application. And as you may or may not be aware,
21 we're not home free. When we show you the detailed --
22 if the detailed engineering site plan and any
23 modifications that might be done, you still have a
24 handle on the negative criteria. But I'm telling my
25 opinion is what is before the board this evening

1 CHAIRMAN FOOSE: Thank you.

2 MR. COAKLEY: The materiality of --

3 CHAIRMAN FOOSE: Sometimes in the
4 transcript --

5 MR. COAKLEY: The materiality of what he
6 said is not accepted.

7 CHAIRMAN FOOSE: Is that your opinion as
8 well, Mr. Steck?

9 MR. STECK: There's a legal opinion. The
10 answer is, I heard what he said, in my opinion, I have
11 enough information that I can render a planning
12 opinion on a bifurcated application.

13 CHAIRMAN FOOSE: You don't disagree with
14 anything Mr. Burr just said?

15 MR. STECK: Pardon?

16 CHAIRMAN FOOSE: You don't disagree with
17 anything that Mr. Burr just said?

18 MR. COAKLEY: You're distorting what he
19 just testified to. Why do that?

20 CHAIRMAN FOOSE: I don't know if that's a
21 compliment from the master distorter. But
22 nonetheless, you know, Mr. Burr gave you a list and
23 you're not disagreeing with it?

24 MR. STECK: It's not for me to agree or
25 disagree. I'm telling you that I heard the list and

1 that because of the high level of detail that is
2 presented, I can render in my opinion that as a
3 planner that this application meets the statutory
4 criteria.

5 CHAIRMAN FOOSE: All right. Mr. Burr,
6 please continue.

7 MR. BURR: I have nothing further,
8 Mr. Chairman, in terms of questions. I raise those
9 points because they have been brought up previously,
10 both written and verbally. And I just, frankly, find
11 it a little surprising that we're concluding that
12 these issues --

13 MR. SWEENEY: Don't exist.

14 MR. BURR: -- aren't an issue without
15 substantial -- more substantial engineering having
16 been completed or testimony provided to check those
17 off the list.

18 CHAIRMAN FOOSE: That's why there's a
19 disconnection. And the distortion comment goes to the
20 fact that okay, these -- this is your time to refute
21 all of these things Mr. Burr just said.

22 MR. STECK: These are engineering -- his
23 are engineering comments. I'm not the engineer.

24 CHAIRMAN FOOSE: But they're negative
25 prongs to your testimony.

1 over New Jersey.

2 CHAIRMAN FOOSE: And I wish him the
3 utmost in success. But still going back to Mr. Burr,
4 putting all the negative prongs, you have a planner
5 that just basically is ignoring it and asking the
6 board to ignore it.

7 MR. COAKLEY: I don't think it's
8 appropriate --

9 CHAIRMAN FOOSE: Fair enough.

10 MR. COAKLEY: You're arguing with the
11 witness.

12 CHAIRMAN FOOSE: I'll respect that. And
13 I'm not going to argue. So, Maurice, do you have any
14 questions for us, sir? Sorry, Maurice.

15 MR. RACHED: Mr. Chairman, I don't have
16 any questions. There was no traffic testimony
17 tonight, so I am at a disadvantage not having heard
18 any traffic testimony or additional answers to the
19 questions that were raised in prior hearings. So at
20 this point, I would have to say I don't have any
21 comments or questions.

22 CHAIRMAN FOOSE: All right. Thank you
23 very much, sir.

24 I'd like to open this up to members of
25 the public. I know that the board has questions. But

1 MR. STECK: But the answer is, the
2 Municipal Land Use Law allows bifurcation. The
3 applicant has gone, in my opinion, a great distance in
4 providing many more details than would normally be
5 required on a bifurcated application.

6 CHAIRMAN FOOSE: Well, is there a chance
7 that 576 trees won't be removed on the second leg of
8 the bifurcation?

9 MR. STECK: The answer is can --

10 MR. COAKLEY: Is that more material than
11 having housing for seniors that need it?

12 CHAIRMAN FOOSE: Well, our planner just
13 testified we've been building these like crazy.

14 MR. COAKLEY: Your population, the senior
15 population has been going up by crazy. That's the
16 only thing that --

17 CHAIRMAN FOOSE: And that's why they sit
18 unsold on Chimney Rock Road, all 8 of them that we
19 just approved over four years. Four years, all
20 unsold. Now, I can't speak if one sold today, so
21 maybe I shouldn't put that into testimony. But
22 there's a for sale sign on 8 lots on those senior
23 houses.

24 MR. COAKLEY: Obviously this applicant
25 believes he can market these. He's marketed them all

1 the hour is late. We typically stop at 10 o'clock on
2 the nose. We're going to make accommodations.
3 There's a number of people here, and I want to make
4 sure if you have questions, now is the time to come up
5 and ask the planner on his testimony, Mr. Steck.

6 MR. OLLER: Can we have your name for the
7 record, please?

8 MS. FERRARA: Lisa Ferrara.

9 MR. OLLER: And spell your last name,
10 please.

11 MS. FERRARA: F-E-R-R-A-R-A.

12 MR. OLLER: Okay. And it's questions
13 only. There will be a time for statements later.
14 Okay?

15 MS. FERRARA: Is there anything that will
16 prevent these units from turning -- from not becoming
17 like someday not being 55 and up?

18 MR. COAKLEY: We'll deed restrict these
19 units.

20 MS. FERRARA: So they'll always be --

21 MR. STECK: They'll be deed restricted.
22 And you would have to go to court to try to get it
23 removed. It's permanent. And that means that anyone
24 that buys a unit is notified in the deed that it's 55
25 and over.

1 MS. FERRARA: And only one person,
2 though, has to be 55?

3 MR. STECK: That's the law, yes.

4 MS. FERRARA: Okay. So you could have
5 three 20 -- 20s all driving age?

6 MR. OLLER: We are going beyond the law
7 saying -- the law is that a householder has to be 55
8 and older. We're also saying that applies to all of
9 the units. And also saying that there are no school
10 age children that reside here.

11 MS. FERRARA: Okay. But you have to just
12 -- everyone just has to be over 18, is that right?

13 MR. STECK: Yes. You could have a, let's
14 say, a divorced 56-year-old mother with a 25-year-old
15 son.

16 MS. FERRARA: That's my question. Okay.
17 And then the volumes you quoted about cars, you said
18 there was like 200?

19 MR. STECK: Yes.

20 MS. FERRARA: That was based on senior
21 living, not -- not 55?

22 MR. STECK: That was -- that was senior
23 living. Although I'm not sure that the ITE uses the
24 Municipal Land Use Law standard of 62 and over. They
25 might because that's like Social Security. So that

1 You just mentioned that the seniors need homes. But I
2 thought you guys didn't have numbers as far as the
3 number of senior or 55 and up living. So how do you
4 know that there's not enough homes?

5 MR. STECK: Well, the applicant does this
6 for a living. He does a lot of these communities.
7 And he's made -- or its -- because it's a corporation
8 -- it has made the judgment that there is a strong
9 market for these types of units.

10 MS. FERRARA: But you don't know how many
11 either?

12 MR. STECK: I'm not the market person. I
13 don't know.

14 MS. FERRARA: Okay. And then you
15 mentioned that, was it 576 trees will be cut down?

16 MR. STECK: I didn't mention that, but I
17 think one of the board members --

18 MR. SWEENEY: It's actually 560.

19 MR. STECK: Yes.

20 MS. FERRARA: Do you know how many total
21 there are?

22 MR. STECK: No. It's in the records
23 because it's part of the submission requirements.
24 Again, we've gone a lot further than just a concept
25 plan. They've done a lot of engineering on this and a

1 number might be slightly modified. But it's very
2 clear in my mind that the traffic generated per unit
3 is a lot lower. Because you don't have kids to schlep
4 around.

5 MS. FERRARA: But for senior living is it
6 the same restrictions where you could have 18 and over
7 but just 62 and up has to live there, or is there
8 different rules for senior living?

9 MR. STECK: No. In my -- in many cases,
10 someone that, let's say, buys a unit that's 55 and
11 over and they like it there, they're going to age in
12 places, they say. So they'll 62, et cetera, et
13 cetera. But there are -- because people are living
14 older, like me, I would expect that a good share of
15 this -- of the first-time buyers here would be over
16 62.

17 MS. FERRARA: Yeah. My question was just
18 about the number of people that are allowed to live
19 there under 62.

20 MR. STECK: That would be again no
21 school-age children. And the health code would limit
22 the number of people. So you could have, you know,
23 four people between, you know, 19 and 25 and, let's
24 say, a parent who is over 55.

25 MS. FERRARA: Okay. Another question.

1 lot of surveying.

2 MS. FERRARA: Are you cutting trees on
3 the wetlands?

4 MR. STECK: You can't do that.

5 MS. FERRARA: Okay. What portion of the
6 15 -- do you have, like, a map of where the wetlands
7 are?

8 MR. STECK: It's on the site plan. They
9 show the wetlands. Because it's -- the state has
10 already certified the limits of the wetlands.

11 MR. COAKLEY: Exhibit D-4, if you want to
12 see.

13 MR. OLLER: And that's not really the
14 planner's testimony. It sounds like the engineer will
15 be back at the next meeting. You can ask him that,
16 though.

17 MS. FERRARA: All right. That's all I
18 have. Thank you.

19 CHAIRMAN FOOSE: Thank you. Anyone else,
20 questions?

21 AUDIENCE MEMBER: They asked all of ours.
22 They did a beautiful job. Thank you.

23 CHAIRMAN FOOSE: Well, I think that,
24 Mr. Coakley, this is our chance to get out of here at
25 10:10.

1 MR. COAKLEY: No, no.
 2 CHAIRMAN FOOSE: Oh, I'm sorry, sir. I'm
 3 sorry. Come on down.
 4 MR. ESPOSITO: It's kind of a report of
 5 the --
 6 CHAIRMAN FOOSE: If we can just get your
 7 name and address.
 8 MR. ESPOSITO: I'm sorry. Rob Esposito,
 9 738 West Foothill.
 10 So it's -- I'm kind of repeating the same
 11 question about if these are being sold -- it's being
 12 sold to over 55 or -- it's 55 or 62?
 13 MR. STECK: Well, it's 55 and over for
 14 the head of household.
 15 MR. ESPOSITO: So is there -- and I know
 16 you said they'd have to go through some legal
 17 proceedings to get that changed. But has that ever
 18 happened in Bridgewater where some development has
 19 been pitched to be sold to only 55 and then for
 20 whatever reason it does not?
 21 MR. STECK: I'm not aware of that being
 22 relaxed.
 23 MR. OLLER: It would be really difficult.
 24 CHAIRMAN FOOSE: They're going to deed
 25 restrict it. That's a challenge for them to do,

1 These are kind of high-end three-bedroom units. And
 2 so, you know, these are likely to be people that,
 3 let's say, have other homes in Florida. In our
 4 judgment, that's the market that he thinks he's
 5 addressing with these units.
 6 MR. ESPOSITO: Is that comparable -- is
 7 that comparable to the ones on Chimney Rock?
 8 MR. STECK: I'm not familiar with the
 9 price points again.
 10 MR. ESPOSITO: So how can you make that
 11 statement that these are different when they could
 12 very well be the same?
 13 MR. STECK: Well, because it's rare to
 14 have age-restricted housing with three bedrooms. This
 15 is -- these are bigger units than -- and I would
 16 suspect are going to be higher price points simply
 17 because of their size.
 18 MR. ESPOSITO: Okay. I would like to see
 19 data. But I guess I'm getting into a statement now
 20 it's not a question but I --
 21 MR. STECK: I believe that you would like
 22 to see data.
 23 MR. OLLER: I guess the question is, are
 24 you going to produce any market studies to establish
 25 that there's a need for senior housing in Bridgewater?

1 right, Rich?
 2 MR. OLLER: Yeah. It would be really
 3 difficult to change that once it's in place.
 4 MR. ESPOSITO: So no loopholes? Like,
 5 that's never...
 6 MR. OLLER: I'm not aware of any where
 7 it's ever been changed.
 8 MR. ESPOSITO: Okay.
 9 MR. OLLER: After it's been built and
 10 deed restricted.
 11 MR. COAKLEY: He drafts these documents
 12 too.
 13 MR. OLLER: Not these documents.
 14 MR. COAKLEY: Documents that do that to
 15 people.
 16 MR. ESPOSITO: All right. And then a
 17 similar question. And I know it's already been
 18 brought up. But the need for these, is there any
 19 study, like, any tests or surveys that could be done
 20 to see if we actually need these? And from what I
 21 just -- I heard from Mr. Chairman that we have these
 22 and they're not being sold. So it seems obvious to me
 23 that's -- it's already been done but...
 24 MR. STECK: I want us to look at the
 25 nature of the product that's being proposed here.

1 MR. STECK: I'm not the -- I'm not a
 2 market expert. So the answer is I've done enough
 3 research that I think from a planning point of view
 4 supports my opinion.
 5 CHAIRMAN FOOSE: Mr. Esposito, if you
 6 wanted to do a quick look-up and use your statement at
 7 the end of the meetings to put that on the record, by
 8 all means, you could do that.
 9 MR. ESPOSITO: Okay. Yeah. I was going
 10 to ask about, like, looking into the facts, like,
 11 anything that's been said on the record.
 12 CHAIRMAN FOOSE: We love facts.
 13 MR. ESPOSITO: If I find anything, I put
 14 that on record in the future?
 15 CHAIRMAN FOOSE: Yeah. I'll give you as
 16 much time as you want in the meeting. You can speak
 17 for or against this case and you can put facts. As
 18 long as you can document where they're from, by all
 19 means, we would love to hear your comments.
 20 MR. ESPOSITO: Thank you. In another
 21 meeting, right? At a future...
 22 CHAIRMAN FOOSE: Yeah. We're going to
 23 get to it tonight when the next meeting is. You never
 24 know when these are going to wrap up. But we'll let
 25 you know. And we'll make sure we put it on the

1 website hopefully a couple days before. And you can
2 look up -- my last name is Foose. You're welcome to
3 email me. And, you know, I'll be happy to let you
4 know. Nancy's also great. She keeps us all in line.

5 MR. ESPOSITO: All right. I appreciate
6 it. Thank you.

7 CHAIRMAN FOOSE: You got it.

8 MR. ESPOSITO: Thank you.

9 CHAIRMAN FOOSE: Ms. Franco, I thought I
10 saw you in the back row. Good evening.

11 MR. OLLER: And your name for the record,
12 please.

13 MS. FRANCO: Kathy Franco. So a couple
14 of questions. You said that -- you brought up the
15 census of people over 65 years old.

16 MR. STECK: I quoted statistics for 55
17 and over.

18 MR. FRANCO: 55 and older. Okay. Did
19 you do anything in relationship to the income of those
20 individuals 55 and older?

21 MR. STECK: No.

22 MR. FRANCO: And did you look at 65 and
23 older?

24 MR. STECK: Yes.

25 MR. FRANCO: And how was that different?

1 senior living communities have been built since the
2 1990 full -- full Master Plan?

3 MR. STECK: I've looked at the zoning and
4 I've looked -- actually, in the housing that's near
5 this corridor, I compared a 1995 aerial with the 2020
6 aerial. So I know, like, the Four Seasons that are
7 there. I've -- I'm aware of the ones that have been
8 built in the corridor. I have not examined the other
9 ones that are outside of this corridor.

10 MS. FRANCO: So you're not aware of the
11 CCRC, what used to Arbor Glen? It's now being run by
12 LifeCare Services.

13 MR. STECK: I know them only through the
14 zoning. There are zoning that are specifically for
15 age-restricted typically at a higher density than what
16 we're proposing.

17 MS. FRANCO: Okay. Also, the assisted --
18 all the assisted living communities that are built.

19 MR. STECK: Well, this is not assisted --

20 MR. FRANCO: No, I understand that. But
21 generally assisted living caters to a senior
22 population.

23 MR. STECK: Typically, yes.

24 MR. FRANCO: Yes. You know, and even
25 long-term care facilities which may have added beds to

1 What percentage of the population was over 65, or over
2 75, or over 85?

3 MR. STECK: So from 55 to 59, it's 3,578
4 or 7.76 percent of the population. Sixty to 64 is
5 2,993 or 6.5 percent. Sixty-five to 69, 2,341, 5.08
6 percent of the population. Seventy to 74, 1,731, or
7 3.76 percent of the total population. Seventy-five to
8 79, 1,605, 3.48 percent. Eighty to 84, 1,213, 2.63.
9 And 85 and over -- I guess we don't care about older
10 people.

11 MS. FRANCO: No. I do. I do.

12 MR. STECK: 1,342 or 2.91 percent of the
13 population.

14 MR. COAKLEY: Mr. Steck, would you just
15 put a postscript on it and say what were those
16 percentages as to?

17 MS. FRANCO: As the total 30 --

18 MR. STECK: That was as to the 2022
19 five-year estimate from the U.S. Census Bureau
20 American Community Survey.

21 MR. FRANCO: And you didn't note the
22 incomes of the those age groups?

23 MR. STECK: I didn't address the incomes.

24 MR. FRANCO: Okay. All right. And I
25 think you said you're not necessarily aware of what

1 their census.

2 MR. STECK: Typically unless someone is
3 injured and rehabbed, they're a senior citizen.

4 MS. FRANCO: Oh, okay. I just want to be
5 sure that, you know, we're taking that all into
6 consideration when we're talking about the number of
7 people over -- you know, over a certain age and where
8 they may be residing. And also what the income is of
9 this population. Because, as Mr. Coakley said, these
10 may be at a highest price point because they're larger
11 units. So as we're designing for seniors -- and this
12 probably is outside of your bailiwick because you're a
13 planner -- you know, is it -- I guess I should hold it
14 because I don't necessarily think that two-story units
15 are appropriate for seniors.

16 But also, are you aware of that fact that
17 in Bridgewater there was an age-restricted community
18 that did change and became a nonage-restricted because
19 it was unable to rent or sell those units?

20 MR. STECK: I'm not aware of that. I
21 know at one time -- and maybe it was -- I don't know
22 -- 20 years ago, there was a short time where a
23 project that had started under construction, you know,
24 got a second bite. But I'm unaware of any community
25 where the age restriction was dropped.

1 MR. OLLER: It was probably under a
2 different law that allowed you to do it at the time.

3 MR. STECK: Yeah. It was a special
4 legislation because of the collapse of the --

5 MR. OLLER: It was a short window of time
6 when you could do that.

7 MR. STECK: And it didn't apply to
8 everybody. I think you had to have your project
9 started but not finished, something like that.

10 MS. FRANCO: Okay. And then just one
11 question from your background and experience is, how
12 often do you work with age-restricted communities or
13 senior living communities as far as in your planning
14 of -- your planning role?

15 MR. STECK: The last one I did was in
16 Clifton. It was an independent living next to an
17 assisted living.

18 MS. FRANCO: Okay. So would that account
19 for 10 percent, 20 percent, 5 percent of your practice
20 or...

21 MR. STECK: I don't specialize in that.

22 MS. FRANCO: Okay. And I don't know that
23 you -- I think you touched on a little bit about how
24 much traffic comes in and out because of the age
25 restriction. But with age restriction, there may be

1 be a lot more cars, a lot more traffic.

2 MR. STECK: Well, there could be more
3 people, but the statistics show that there would not
4 be more traffic than a nonage-restricted community.

5 MS. MARINELLI: How could that be if 75

6 --

7 MR. STECK: Because there aren't kids to
8 shuttle around.

9 MS. MARINELLI: If there is someone --
10 kids who are 19, 20, 21, 25. They go out all the
11 time. They come in all the time. There's a lot more
12 traffic. And you could have one person over 55 living
13 there.

14 MR. STECK: In an individual instance in
15 one unit, you could be right. But statistically there
16 is less traffic and less parking demand.

17 MS. MARINELLI: I don't agree, but okay.

18 CHAIRMAN FOOSE: Thank you. Mr. Gayeski,
19 you had a question?

20 MR. GAYESKI: Yeah. The question, I
21 guess, pertains to some of what I was hearing here as
22 well. If you're saying that 30 percent of the
23 population is aging in that 55 and older, and that's
24 part of the --

25 MR. STECK: Thirty-two.

1 less traffic from the residents. But is anybody
2 looking at the increased traffic from deliveries, from
3 Amazon, from meal preparation places, from
4 housekeepers, from caregivers, from those individuals?

5 MR. STECK: My understanding is when the
6 Institute of Traffic Engineers counts traffic, they
7 count all the vehicles that come in and out.

8 CHAIRMAN FOOSE: Yeah. But, Mr. Steck,
9 just to clarify, you're not a traffic engineer.

10 MS. FRANCO: No. And I wasn't sure. So
11 thank you very much. Thank you for all your answers.

12 CHAIRMAN FOOSE: Thank you, Ms. Franco.
13 All right. I think we're -- do you want
14 to go real quick?

15 MS. MARINELLI: I have one.

16 CHAIRMAN FOOSE: All right, come on up.

17 MS. MARINELLI: Dawn Marinelli. So these
18 units could be three bedrooms, correct?

19 MR. STECK: Yes.

20 MS. MARINELLI: Okay. And only one
21 person has to be 55 and older?

22 MR. STECK: Correct.

23 MS. MARINELLI: So you could have 75
24 percent -- if you have four people living there, 75
25 percent of the people could be under 55. There would

1 MR. GAYESKI: Thirty-two. And that's
2 part of the positive criteria because we have an aging
3 population. Isn't it important to understand how many
4 of these 32 percent can actually afford these homes so
5 we actually know what --

6 MR. STECK: These are going to be, I
7 believe, higher price point units that the applicant
8 thinks there's a market for.

9 MR. GAYESKI: So that number -- that 32
10 percent isn't really 32 percent?

11 MR. STECK: This is not subsidized
12 housing.

13 MR. GAYESKI: Right. I just wanted to
14 make sure I understood what the actual percentage was
15 and all the factors that were in there. Because it
16 seems like it's not actually 32 percent.

17 MR. STECK: I don't -- I'm not a market
18 person. But I'm aware that the applicant has done a
19 number of them.

20 MR. GAYESKI: That's fine. You're using
21 the 32 percent number. If I understand, were you
22 using that to say there are 32 percent of the
23 population in Bridgewater would be eligible?

24 MR. STECK: They would be eligible
25 because of the age -- at the age.

MR. GAYESKI: At the age. But that's not the only --

MR. STECK: We're not talking about income.

MR. GAYESKI: Right. I'm just trying to understand. What percentage of the population would actually be eligible for it?

MR. STECK: I don't know the answer.

MR. GAYESKI: Okay. So that 32 is just people over 55, period?

MR. STECK: Yeah. You've got to be 55 and over to live here.

MR. GAYESKI: Okay, thank you.

CHAIRMAN FOOSE: All right. We're going to -- this is 25 minutes past our bedtime here, so we're going to call the meeting. I apologize. But I think Mr. Coakley can make arrangements for Mr. Steck to come back. We can finish with some questions at our next hearing.

Nancy, could you provide us with a date that's available, the next available date for 821 to pick up where they left off tonight?

MS. PROBST: May 13th is available.

CHAIRMAN FOOSE: May 13th, Mr. Coakley.

MR. COHEN: Mr. Chairman, Howard D. Cohen

looking to --

CHAIRMAN FOOSE: But you have canceled things in the past.

MR. COHEN: I haven't canceled anything.

CHAIRMAN FOOSE: Well, we've had scheduled hearings with packets in our hands walking in the door and this hearing didn't happen.

MR. COHEN: Not in my instance, sir.

CHAIRMAN FOOSE: Well, whoever was behind it, for better or for worse, it happened. It's part of the business. But it sounds like your April meetings are not available. One is an inherently beneficial fostering orphans case.

MR. COHEN: No. I am available on April 22nd. I am available on April -- I am available on April 8. I am away from April 29 to May 15.

CHAIRMAN FOOSE: Okay, so what's available?

MS. PROBST: We're going into June at that point, because May 8th is Paul Miller and Visions and Pathways. I'm sorry, April 8th. April 22nd is Rockland Self Storage, plus one residential was added probably since I had spoken to Mr. Coakley's associate a couple weeks ago. So 6-10 is...

CHAIRMAN FOOSE: 6-10 is the primary.

on behalf of the JCC. My understanding is from communications with the Township Land Administrator, there were two dates discussed in April, one of which I thought was April 7th, if I'm not mistaken. I have to look at my calendar. Just bear with me. And April 22nd.

MS. PROBST: April 8th is Paul Miller and Visions and Pathways. We have two applications that evening.

MR. COHEN: The reason I ask, Mr. Chair, is I will be out of town for certain periods of time. We were trying to ensure that the hearings were done in a manner where I could be present.

CHAIRMAN FOOSE: Mr. Cohen, we want you here and you're obviously part and parcel to the application. But I will say that there have been cancellations in the last minute. Nancy's assembled packets. We've had people here ready. We've had members of the public here and there's been a cancellation within 24 hours. You know, at a certain point -- we're trying to accommodate everybody -- it's an incredibly challenging process.

MR. COHEN: Please do not misunderstand. I'm not looking to cancel anything. I'm simply

MS. PROBST: Yeah, is the primary.

CHAIRMAN FOOSE: No, no, no. 6-10 is not available. It's a primary date. It's a Tuesday. There will be machines in this room.

MS. PROBST: 5-27 is Bellie Holdings, which was adjourned from tonight.

MR. COAKLEY: Nancy, pardon my stupidity, but what date is available?

CHAIRMAN FOOSE: Do you want to try and put them on 5-27? We'll stack the cases and we'll do like tonight; we'll do a split hearing.

MR. OLLER: Is Bellie the only one on the 27th?

MS. PROBST: Bellie is the only one on the 27th, yeah.

MR. COHEN: I am available on May 27, sir.

CHAIRMAN FOOSE: Okay. All right, Rich.

MR. COAKLEY: Okay, we'll take that date.

MR. OLLER: Okay, you're good with that date?

MR. COAKLEY: Yeah.

MR. COHEN: Thank you very much.

MR. OLLER: Okay. So for members -- for members of the public, this meeting is being adjourned

now. It will continue on May 27th at 7 p.m. in this room. There will be no further notices from the applicant.

MR. COAKLEY: Thank you, members of the board.

(Wherein the meeting is concluded at 10:30 p.m.)

CERTIFICATE

I, RONDA L. REINSTEIN, a Certified Court Reporter of the State of New Jersey, authorized to administer oaths pursuant to R.S.41:2-2, 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 herein before set forth, to the best of my ability.

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 the action.

RONDA L. REINSTEIN, CCR No. 30X100217800

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