

**BRIDGEWATER TOWNSHIP  
ZONING BOARD OF ADJUSTMENT  
REGULAR MEETING MINUTES  
JUNE 24, 2025  
Adopted August 12, 2025**

**CALL MEETING TO ORDER:**

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

**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**

James Weideli	Present	Jeff Foose	Present
Donald Sweeney	Present	John Gayeski	Present
Bruce Bongiorno	Absent	Claudio Vescio	Present
Jeffrey Sicat	Absent	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, Board Planner Katherine Sarmad, and Maurice Rachad, Board Traffic Engineer.

**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**

### **Application #24-028-ZB; Paul Miller Auto Group Route 22 West; Block 559, Lot 5.02**

Mr. Oller went over the corrections in the resolution.

On motion by Mr. Weideli, seconded by Mr. Gayeski, the resolution was adopted with revisions based on the following roll call vote:

#### **Roll Call:**

Ayes:	Mr. Weideli, Mrs. Amin, Mr. Sweeney, Mr. Fresco, Mr. Gayeski, and Chairman Foose
Nays:	None
Ineligible:	Mr. Kulak, Mr. Vescio, and Mr. Gabbett
Abstain:	None
Absent:	Mr. Bongiorno and Mr. Sicat

### **Application #25-002-ZB; Shad, Mohammad Rizwan Route 202/206 North & Byrd Avenue; Block 470, Lot 7**

On motion by Mr. Weideli, seconded by Mr. Gayeski, the resolution was adopted with based on the following roll call vote:

#### **Roll Call:**

Ayes:	Mr. Weideli, Mrs. Amin, Mr. Sweeney Mr. Fresco, and Mr. Gayeski
Nays:	None
Ineligible:	Mr. Kulak, Mr. Vescio, Mr. Gabbett, and Chairman Foose
Abstain:	None
Absent:	Mr. Bongiorno and Mr. Sicat

## **LAND DEVELOPMENT APPLICATIONS**

### **Application #24-029-ZB**

#### **Rockland APV Bridgewater Energy LLC Block 338, Lot 9 (760 East Main Street)**

#### **Time to Act September 30, 3035**

Procedure: Preliminary & Final Major Site Plan & Minor Subdivision Plan

*Summary: Proposal to subdivide 2 lots owned by Somerset County Improvement Authority, (used by the County as a maintenance yard) so as to construct a new battery energy storage system facility on 1 of the lots.*

**ADJOURN TO SEPTEMBER 9, 2025 WITHOUT FURTHER NOTICE**

**Application #23-023-ZB**

**Bridgewater Realty II LLC (Starbucks)**

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

**Time to Act June 30, 3035**

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

Summary: Proposal to build a drive-thru fast food restaurant (not permitted in zone) and make site modifications based on prior approvals.

**SEE ATTACHED TRANSCRIPT**

On motion by Mr. Weideli, seconded by Mr. Fresco, the application was approved with conditions based on the following roll call vote:

Roll Call:

Ayes:	Mr. Weideli, Mrs. Amin, Mr. Fresco, Mr. Gayeski, Mr. Kulak, and Chairman Foose
Nays:	Mr. Sweeney
Ineligible:	Mr. Vescio and Mr. Gabbett
Abstain:	None
Absent:	Mr. Bongiorno and Mr. Sicat

**OTHER BOARD BUSINESS**

None

**ADJOURNMENT**

On motion by Mr. Weideli, seconded by Mr. Gayeski, the Board unanimously voted to adjourn at approximately 8:37pm.

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, JUNE 24, 2025

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

20 TRANSCRIPT OF PROCEEDINGS

21 PUBLIC HEARING  
22 -CONTINUED-

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

1    BOARD MEMBERS PRESENT:

2            JEFF FOOSE, CHAIRMAN  
3            PUSHPAVATI AMIN  
4            ANDREW FRESCO  
5            CHRIS GABBETT  
6            JOHN GAYESKI  
7            JOHN KULAK  
8            DONALD SWEENEY  
9            CLAUDIO VESCIO  
10          JAMES WEIDELI, VICE-CHAIRMAN  
11

12

13    PROFESSIONALS AND STAFF PRESENT:

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

24

25

24    STENOGRAPHICALLY REPORTED BY:

25            RONDA L. REINSTEIN, CCR No. 30X100217800

1    A P P E A R A N C E S:

2

3    LOWENSTEIN SANDLER LLP

BY:    JOHN S. STOLZ, ESQUIRE

4            One Lowenstein Drive  
             Roseland, New Jersey    07068

5            T:    (973) 597-6228

6            F:    (973) 597-6229

             Email: jstolz@lowenstein.com

7    --Counsel for the Applicant

8

9

10

11

12

A L S O    P R E S E N T:

13

14    ROBERT C. MOSCHELLO, P.E.

Gladstone Design, Inc.

15

ELIZABETH DOLAN, P.E.

16    Dolan & Dean Consulting Engineers, LLC

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25WITNESSESPAGEMICHAEL TOBIA, P.P.  
Community Planning Consultant

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PUBLIC QUESTIONS AND/OR COMMENTS:NAMEADDRESSPAGE

(None)



## E X H I B I T S

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1 CHAIRMAN FOOSE: Good evening, everyone.  
2 It's 7:00 p.m. This is the Bridgewater Township  
3 Zoning Board of Adjustment Regular Meeting, Tuesday,  
4 June 24, 2025. The time is 7:01.

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

8 Specifically, on January 15, 2025,  
9 proper notice was sent to The Courier News, Star  
10 Ledger, filed with the Clerk of the Township of  
11 Bridgewater and posted on the Municipal bulletin  
12 board.

13 Please be aware that the Zoning Board  
14 of Adjustment policy for public hearings, no new  
15 applications will be heard after 9:30 p.m. and no  
16 new testimony will be taken after 10:00 p.m.

17 If you're able, please rise for the  
18 salute to the flag.

19 (Pledge of Allegiance.)

20 CHAIRMAN FOOSE: Good evening, Maria.  
21 If I can have a roll call, please?

22 MS. DeSIMONE: Chairman Foose?

23 CHAIRMAN FOOSE: Here.

24 MS. DeSIMONE: Mr. Weidell?

25 VICE-CHAIRMAN WEIDELI: Here.

1 MS. DeSIMONE: Mr. Sweeney?

2 MR. SWEENEY: Here.

3 MS. DeSIMONE: Mrs. Amin?

4 MS. AMIN: Yes.

5 MS. DeSIMONE: Mr. Gayeski?

6 MR. GAYESKI: Here.

7 MS. DeSIMONE: Mr. Fresco?

8 MR. FRESCO: Here.

9 MS. DeSIMONE: Mr. Vescio?

10 MR. VESCIO: Here.

11 MS. DeSIMONE: Mr. Kulak?

12 MR. KULAK: Here.

13 MS. DeSIMONE: And Mr. Gabbett?

14 MR. GABBETT: Here.

15 MS. DeSIMONE: Just for the record,

16 Mr. Bongiorno is absent.

17 Mr. Sicut is absent.

18 And we also have Richard Oller, our  
19 board attorney.

20 MR. OLLER: Who's here.

21 MS. DeSIMONE: William Burr, board  
22 engineer.

23 MR. BURR: Here.

24 MS. DeSIMONE: Katherine Sarmad, board  
25 planner.

1 MS. SARMAD: Here.

2 MS. DeSIMONE: And Maurice Rached?

3 MR. RACHED: Here.

4 MS. DeSIMONE: Traffic engineer.

5 - - -

6 (Whereupon, the Board continues with  
7 the posted agenda.)

8 - - -

9 CHAIRMAN FOOSE: All right.  
10 Starbucks, you're up.

11 Good evening.

12 MR. STOLZ: Good evening, Mr.

13 Chairman, Members of the Board.

14 CHAIRMAN FOOSE: Hi there.

15 MR. STOLZ: I know it's a different  
16 face. We'll get to that in just a moment.

17 My name is John Stolz from the firm of  
18 Lowenstein Sandler. I'm here on behalf of the  
19 applicant, Bridgewater Realty II, LLC.

20 CHAIRMAN FOOSE: Get the mic.

21 MR. STOLZ: Sure.

22 So as some of you may recall, at the  
23 last hearing, the applicant's attorney at that time,  
24 Mr. Henry Kent Smith from Fox Rothschild, announced  
25 that he was retiring effective April 1st.

1 Following that announcement, the  
2 applicant had contacted me and asked me to step in  
3 and sort of continue this application on their  
4 behalf.

5 I fully admit, stepping into an  
6 application that's been pending for about 16 months  
7 is not ideal.

8 But, you know, be that as it may.  
9 Although we were not prosecuting this application,  
10 we have been outside general counsel to the  
11 applicant and their family and their business  
12 interests for the better part of 20, 30 years.

13 I have personally been involved in  
14 this site in varying capacities for close to 20  
15 years.

16 So while we haven't been involved in  
17 this particular application, we're not a stranger to  
18 this particular site or the town of Bridgewater in  
19 general.

20 So for the record, the applicant is  
21 Bridgewater Realty II, LLC. This is 1288-1298 Route  
22 22 and Morgan Lane, Block 222, Lot 6.01. This is a  
23 condominium project. This is Unit 3 in that  
24 condominium, property in the HIC, Highway  
25 Interchange Commercial zone. It's an application

1 for preliminary and final major site plan, use  
2 variance and bulk variance approval.

3 I think many of us recall, this is a  
4 continuation hearing. The application started with  
5 a hearing on February 27th, 2024. There were  
6 subsequent hearings on March 12th, May 28th,  
7 August 27th of 2024, and the most recent hearing was  
8 March 11, 2025. This is our sixth hearing on this  
9 application.

10 At the close of the last hearing on  
11 March 11th, there was an announcement made to the  
12 public that notice would be carried without the need  
13 for further publication or mailing of notice to a  
14 date that was June 10th.

15 It turned out that June 10th was in  
16 fact election day, so there was not going to be a  
17 hearing that evening.

18 So in an abundance of caution, we did  
19 renotice this application in accordance with the  
20 Land Use Law.

21 So just as a housekeeping item before  
22 we get started, I'd like to confirm for the record  
23 with the board attorney that the board is properly  
24 vested with jurisdiction to hear this case with  
25 notice having been properly given under the

1 Municipal Land Use Law to continue the hearing as  
2 necessary.

3 MR. OLLER: Yes, Mr. Stolz, I reviewed  
4 the notice. It's in proper form. It was served on  
5 the 200-foot list timely and published timely, so  
6 the board does have jurisdiction.

7 MR. STOLZ: Thank you very much.

8 So I'm sure everyone recalls, this is  
9 the Starbucks application, as mentioned at the  
10 beginning.

11 This is the same site that received  
12 Planning Board approval back around 2019 for the  
13 Goddard School.

14 Over the past 16 months, you've all  
15 heard extensive testimony in furtherance of the  
16 application, a lot of issues coming up that were  
17 addressed over the course of that past 16 months,  
18 issues relating to ingress/egress, site access,  
19 queuing, stacking, and, of course, access to Morgan  
20 Lane.

21 And in response, the applicant, to  
22 their credit, were thoughtful. They've tried to  
23 make meaningful changes to these plans to address  
24 the concerns raised by the board and members of the  
25 public.

1 For instance, agreeing to abandon  
2 their DOT-approved driveway, reducing the  
3 drive-through lanes from two to one, while  
4 preserving onsite stacking at about 30-plus  
5 vehicles, and restricting the use of Morgan Lane  
6 through the use of various traffic techniques onsite  
7 -- we'll get into those in greater detail during the  
8 course of the application -- but ultimately, with an  
9 effort to direct the flow of traffic naturally in a  
10 circular fashion away from Morgan Lane toward the  
11 existing driveway in front of the Stone Tavern along  
12 Route 22.

13 So in anticipation of this evening's  
14 hearing, we did submit about -- in the middle of May  
15 or so partial plan revisions which were further  
16 intended to address certain traffic and onsite  
17 circulation comments that were raised and brought up  
18 during the March 11th hearing.

19 There will be testimony this evening  
20 describing what those are, but for the most part  
21 we're talking about additional pavement markings,  
22 additional signage, extending curbing.

23 We're calling it sort of like a  
24 pork-chop that's the shape of the curbing.

25 But all under the guise of influencing

1 the flow of traffic in a logical circular fashion  
2 away from Morgan Lane so the natural tendency is for  
3 folks to circulate back in the way they came, which  
4 would be along Route 22 in front of the Stone  
5 Tavern.

6 I apologize for the longwinded  
7 opening. It's been three months and this is my  
8 first time before the board, so I figured I'd just  
9 set the table for everything.

10 But I am in a unique position in the  
11 sense of having read the transcripts for all the  
12 past hearings over the past 16 months. And after  
13 reading five transcripts a few times, you kind of  
14 gain a unique perspective and flavor for an  
15 application.

16 I think it's fair to say, you know, on  
17 both sides of this, the applicant, you know, has  
18 done their level best and taken the board's feedback  
19 to heart, coming back each time with meaningful  
20 revisions to their plans in an attempt to address  
21 concerns while maintaining operational safety for  
22 the site.

23 The board, to its credit, has been  
24 patient. They've been openly collaborative. And I  
25 think -- you know, at the end of the day, I think

1 the record is going to reflect that as a result of  
2 that collaboration, it's an improved plan, perhaps  
3 the best plan for this site.

4 So I do appreciate the board's  
5 indulgence with that longwinded opening.

6 We can start with our first witness  
7 this evening, unless the board or board attorney has  
8 any housekeeping items you want to address up front.

9 MR. OLLER: I don't.

10 CHAIRMAN FOOSE: I'm good.

11 MR. STOLZ: Terrific.

12 Then we'll call our first witness, who  
13 is Michael Tobia, our Professional Planner. We  
14 haven't heard from him yet in this case.

15 And he's going to summarize both the  
16 latest changes that were submitted last month as  
17 part of his planning testimony.

18 And then, of course, we have our  
19 engineering professional standing by to the extent  
20 the board or its consultants -- I don't think  
21 there's any members of the public -- have any  
22 questions for them.

23 MR. OLLER: Mr. Tobia, would you raise  
24 your right hand, please.

25 Do you solemnly swear that the

1 think I have about 20 minutes of testimony.

2 Let me first give you a refresher  
3 course on what happened at the last meeting.

4 Basically the site plan has now been  
5 changed to eliminate the direct driveway into the  
6 Starbucks site. The applicant will now, as you  
7 recall, be using what we're going to call the Stone  
8 Tavern driveway to the west of the site for the main  
9 access into Starbucks.

10 MR. OLLER: Michael, I have to  
11 interrupt you.

12 I don't think we marked that yet.

13 MR. TOBIA: A-11, Mr. Oller. I'm  
14 sorry, you're right.

15 MR. OLLER: And then just for the  
16 record, would you describe what A-11 is, please.

17 - - -

18 (Exhibit A-11, Colorized Site Plan, is  
19 marked for identification.)

20 - - -

21 MR. TOBIA: So A-11 is a one-sheet  
22 exhibit that shows several minor plan changes. Sign  
23 changes, I'll get to in a moment.

24 But it's a colorized site plan. This  
25 has also been submitted to the board in black line

1 testimony you will give to this board will be the  
2 truth, the whole truth, and nothing but the truth,  
3 so help you God?

4 MR. TOBIA: Yes, I do.

6 MICHAEL TOBIA, P.P.,  
7 546 Van Beuren Road, Morristown, New Jersey,  
8 having been duly sworn, testifies as follows:

9 - - -

10 EXAMINATION

11 - - -

12 MR. TOBIA: So it's Michael Tobia,  
13 T-O-B-I-A, applicant's planning consultant.

14 I've been previously qualified here  
15 many times, Mr. Chairman. If you want, I'll go  
16 through qualifications again.

17 CHAIRMAN FOOSE: As long as your  
18 license is in good standing, we can move along.

19 MR. TOBIA: Yes, sir.

20 CHAIRMAN FOOSE: We accept you as an  
21 expert in planning.

22 MR. TOBIA: Thank you.

23 CHAIRMAN FOOSE: Thank you.

24 MR. TOBIA: I appreciate that.

25 Okay. So what we're going to do, I

1 drawings on May 14th of this year. You all should  
2 have gotten those a month ago.

3 Okay, so that's A-11. Okay.

4 So, anyway, now the new access to the  
5 site will be through the existing driveway in front  
6 of Stone Tavern. Stone Tavern now is finally opened  
7 up and looking good.

8 The applicant also added a right turn  
9 in only driveway off of Morgan Lane using the direct  
10 -- the existing curb cut out on Morgan that was cut  
11 in many, many years ago. And so now no more  
12 driveway directly into the site.

13 As you may recall, the building was  
14 shifted back from Route 22 about 10 feet. Outdoor  
15 seating on the west side of the building was  
16 eliminated. There were some board concern that we  
17 had too many outdoor seats, so we reduced seating  
18 from 40 down to 16, and we put a small cluster of  
19 four tables in front of the building.

20 These changes resulted in a minor  
21 reduction in coverage of 842 square feet.

22 So the coverage for the whole site now  
23 is 60.4 percent. It's still a variance condition,  
24 but that variance condition relates more to the  
25 coverage of the hotel site and Stone Tavern, because

1 the Starbucks site is holding steady at about  
2 48 percent coverage. So it's well below the  
3 60 percent permitted.

4 The canopy has been removed over the  
5 outdoor storage -- over the outdoor seating area.  
6 Seating capacity is now a total of 46 seats,  
7 counting inside and outside.

8 There's been a slight reduction in  
9 parking down to 31 stalls from 34 initially proposed  
10 for Starbucks.

11 You all may recall also that we were  
12 talking to you about banking some parking stalls for  
13 a long while to reduce coverage. We received input  
14 from this board not to bank, so those spaces are now  
15 to be paved. There are no longer banked parking  
16 spaces on the site.

17 So those are the changes. Now, since  
18 the last meeting, after a dialogue very late at the  
19 last hearing, which was May -- March 11th, we've  
20 done a few things to further direct traffic away  
21 from Morgan Lane. These are in the form of signs,  
22 pavement markings and the so-called pork chop.

23 You'll recall that our drive-through  
24 drive-through lane comes around from  
25 counterclockwise from west to east around the

1 Starbucks building.

2 When visitors are leaving, after they've picked up  
3 their order, they will now see a pavement marking  
4 saying "Left Turn Only." That means in the  
5 direction of Stone Tavern. And they will now see a  
6 sign that says "No Right Turn." Okay?

7 So all traffic coming out of the exit  
8 driveway will be forced to make the left and then  
9 head out to Stone Tavern driveway and get on 22  
10 east.

11 The same thing happens at the southerly  
12 end of the Starbucks parking lot. At the top of the  
13 site, there's an opportunity to exit the parking lot  
14 through the previously approved driveways in that  
15 area. At that point, drivers will encounter a  
16 pavement marking that says "Right Turn Only," a sign  
17 that says "No Left Turn," meaning no turn out to  
18 Morgan Lane, and then the so-called pork chop in  
19 that area, which is just a contoured curbed island  
20 that directs you to the right. If you don't honor  
21 that island, you're going to run over it.

22 So we have these five design elements  
23 that have been added to the plan. They're also on  
24 the May 14th plan set that were submitted to you  
25 five weeks ago. Okay.

1 Let's talk variances. We're in  
2 HIC zone, as you recall, Highway Interchange  
3 Commercial zone. The zone does not permit  
4 drive-through restaurants. Drive-through  
5 restaurants incidentally are prohibited in every  
6 single zone in your town except for one. Okay?

7 The history on that going back decades  
8 to when I was a rookie is the first generation of  
9 drive-through restaurants -- we used to call them  
10 fast food restaurants back then -- were a mess.  
11 Okay? Think golden arches, yellow and red facade  
12 colors, litter, loitering, car hops.

13 Do you remember car hops? People  
14 would actually be served food out in the parking  
15 lot. They became hang-outs. They became a  
16 disfavored land use by planners. They were  
17 prohibited as a result in many towns for many  
18 decades. Okay.

19 However, the industry reacted. We've  
20 seen even McDonald's knocking down old units and  
21 rebuilding them with much better architecture.  
22 Golden arches are gone. Stewart's Root Beer is  
23 gone.

24 And we come now to a new generation of  
25 drive-through restaurants which are embraced by the

1 communities they serve because they're convenient.  
2 People don't have to get out of cars anymore. If  
3 they have kids in the back seat, they can stay in  
4 the car. If they're sick, they can stay in the car.  
5 If they're elderly and have mobility problems, they  
6 can stay in the car rather than get out and go in  
7 the building.

8 So with that said, things have changed  
9 in the drive-through restaurant field. In fact,  
10 your recent Master Plan says at page 7:

11 "The prohibition against drive-through  
12 restaurants should be reconsidered."

13 Okay? It's pretty --

14 MR. SWEENEY: Where is that, please?

15 MR. TOBIA: Say it again?

16 MR. SWEENEY: Where is that?

17 MR. TOBIA: Page 7 of your Master  
18 Plan. 2015 Master Plan, Mr. Sweeney.

19 MR. SWEENEY: Thank you.

20 MR. TOBIA: So that's pretty good  
21 ammo.

22 Now, that's never been implemented,  
23 okay, but it was a recommendation in the Master Plan  
24 that recognizes that maybe a full, broad prohibition  
25 on these uses is a little too much.

1 When we look at the Starbucks  
2 building, we don't have any golden arches. We don't  
3 have yellow and red facade colors. We don't have  
4 neon lights. We don't have flashing signs. Okay?

5 You heard from our architectural  
6 witness, Ben Horten, months ago that we've defined  
7 -- that we've designed a really nice-looking  
8 classically-designed building. Okay?

9 This site meets the particular  
10 suitability requirement for use variances for a  
11 couple basic reasons. One, it relies heavily as a  
12 use on pass-by traffic. Ms. Dolan, who is in the  
13 room tonight, says that we have 3,000 to 4,000 cars  
14 per peak hour coming by this site. There's not a  
15 busier road in the town, other than your freeways,  
16 than Route 22. It's the perfect site for a  
17 Starbucks, which, as you know, relies heavily on the  
18 morning rush hour for most of its business.

19 The site also meets the particular  
20 suitability test because it's oversized. It's  
21 67,000 square feet in size just for Unit 3, just for  
22 the so-called Starbucks site, roughly twice the size  
23 of a typical Starbucks site that we see in the area.  
24 That big lot size has allowed us to provide extra  
25 parking, now to provide a really long queuing length

1 for the drive-through. Mr. Moschello estimated it  
2 at about 30 cars now.

3 It's also particularly suited because  
4 we have a neighbor with access rights, so we can now  
5 not be independent with our access but actually use  
6 the shared driveway over at Stone Tavern and get out  
7 to the site.

8 The particular suitability test is  
9 really easy here. Okay. It makes all the sense in  
10 the world for a Starbucks to be located on a busy  
11 road.

12 Note also, veteran members of the  
13 board -- I've been on this case since 1998, by the  
14 way, okay -- we've had everything approved for the  
15 site: Ethan Allen, banks, office buildings,  
16 childcare centers. None of this stuff has ever been  
17 built. Virtually all of those uses I just described  
18 are permitted uses in the zone. Okay?

19 What happened with COVID makes things  
20 even worse. The office market is caput. You heard  
21 from Eric Mund, our applicant, the Goddard deal was  
22 killed because people are working from home now.  
23 Okay? They don't want to go to day care. They're  
24 saving money just by staying home. So the office  
25 market is caput.

1 Branch banks are also permitted in the  
2 HC zone. And I now have clients knocking down  
3 branch banks. They're turning them into Dunkin'  
4 Donuts. That's because our electronic banking  
5 system has taken over the world.

6 We know child care center, also another  
7 permitted use in the zone, cannot be built.

8 We know a hotel won't be built on the  
9 little Starbucks site just because of size.

10 So the zone, when you really look at  
11 the permitted uses, doesn't have a viable option for  
12 it to be developed.

13 And we're not supposed to have vacant  
14 one-and-a-half-acre sites on Route 22, your busiest  
15 commercial corridor in town. Okay?

16 So those are the reasons we think the  
17 use variance can comfortably be granted by the  
18 board.

19 Let's talk for a second about your  
20 bulk variances. And, Mr. Oller, we're going back to  
21 A-5 from February 27th, 2024. Okay?

22 When Rob Moschello initially  
23 testified, he did a really nice exhibit. And what  
24 he showed again with our Starbucks site, on the  
25 lower left of the exhibit, is that when you apply

1 the front yard setback requirement of HIC, the  
2 corner lot setback off of Morgan, you end up with no  
3 building envelope on the site.

4 This is what we call practical hardship  
5 under the statute. This would mean you couldn't  
6 build within 200 feet of Route 22. You couldn't  
7 build within 100 feet of Morgan Lane.

8 And it would leave you this little  
9 rectangle in the back of the site, meaning the  
10 southwest corner of the site would be essentially  
11 useless from a design standpoint. We think the  
12 front yard setback variance can easily be granted  
13 under your hardship statute for that reason.

14 Remember, historically this zone was  
15 designed for sites with a minimum lot area of five  
16 acres. It's supposed to be big lots, big buildings,  
17 such as the hotel. This was always the orphaned  
18 site. Okay?

19 When the hotel was approved and when  
20 Houlihan's was approved, that was the site that was  
21 supposed to link restaurant to hotel and hotel to  
22 restaurant. Way back then, on the corner lot what'd  
23 have? Anybody remember? An ice cream store and an  
24 old house. Okay? This was never supposed to be the  
25 5-acre site that would accommodate a big office

1 building or a big hotel.  
2 So as a consequence, the underlying  
3 regulations of HIC don't make sense on the Starbucks  
4 lot without variances being granted.

5 Our next variance was improved lot  
6 coverage. We are now at 60.4 percent.  
7 Mr. Moschello has gotten our coverage down from the  
8 approved 60.7 with the prior application. So we  
9 have a little more green space.

10 The good news is, once Starbucks went  
11 in, coverage went down dramatically on this site and  
12 we're now at 48 percent, which is well below to  
13 threshold.

14 We talked to you all about maybe  
15 banking some stalls to get our coverage down a  
16 little bit less. You did not want that. So we're  
17 going to go with a de minimis increase in coverage  
18 of 60.4 percent for the whole lot, recognizing  
19 Starbucks is much less than that.

20 Way back when our architect,  
21 Mr. Horten, talked about the rooftop projection.  
22 The Starbucks building is only 18 feet high. It's  
23 lower than most houses in the town. He proposed a  
24 4-foot screen to go above that roof line to block  
25 rooftop mechanicals on the building. Only 3 feet is

1 permitted by code. We're asking you for that  
2 variance because he said we needed 4 feet to  
3 properly screen the mechanicals. We think that's  
4 also a de minimis variance, recognizing especially  
5 that we're a small, low building set back quite a  
6 bit from Route 22, and the zone would let sites --  
7 would let buildings go to 45 feet in height here.  
8 We're at half that. Okay, so that's the rooftop  
9 projection variance.

10 Our architect also explained signs.  
11 If you recall, we have six signs on the Starbucks  
12 building. It was explained Starbucks has a  
13 preference for small signs rather than big signs.

14 What we did was put two on the front  
15 of the building, two on the westerly side of the  
16 building, two on the easterly side of the building,  
17 none in the back facing residential properties to  
18 the south, in particular Finderne Heights.

19 The testimony was that all six signs  
20 combined when added up are less than what would be  
21 permitted for one big sign on the front of the  
22 building.

23 We feel the benefits of small signs  
24 here is better than one big sign. And small signs,  
25 such as Starbucks logos, also helps identify the

1 building from our easterly parking lot, from our  
2 westerly parking lot, and from the Stone Tavern  
3 site. We think that's a reasonable variance  
4 request.

5 So I think that's all our variances  
6 here. And it is. Design waivers, we have a few.  
7 They were handled by Mr. Moschello during his  
8 testimony since he did the design work. And so  
9 that's the use variance rationale and the bulk  
10 variance rationale.

11 I wanted to talk to you for a couple  
12 minutes about our menu boards. Your planner,  
13 Ms. Sarmad, said we didn't call these out as  
14 variances. We didn't talk about them at all.

15 So I want to just pull your coattails  
16 through a couple things.

17 Like all drive-through restaurants --  
18 and menu boards are unique to drive-through  
19 restaurants, so they're subsumed in the use variance  
20 on the case. We have menu boards. When you come  
21 around the site, there's a preorder board in the  
22 southwest corner of the site. There's a digital  
23 order board which is where you place your order.  
24 That's basically, like, an electronic receipt.

25 The orderer pulls up. You get to see

1 what you ordered. You get to see the price and all  
2 that. And then there's a menu board.

3 So there are three signs at the back  
4 of the building unique to drive-through restaurants  
5 that help you understand what you want. We can't  
6 run inside, grab a menu and come back out into the  
7 car and order from the drive-through.

8 They add up to 45 square feet.

9 They're directional signs. They're probably 200  
10 feet from Route 22 and will be virtually invisible  
11 to passersby on Route 22.

12 We didn't identify them as variances  
13 because we thought they were part and parcel of the  
14 drive-through use. But for those reasons, we would  
15 request relief on that if it's needed, recognizing  
16 no menu board signs, no drive-through. You've got  
17 to have one to have the other.

18 So I think that's all I have unless  
19 someone is going to remind me that I forgot  
20 something. Now, what we've been doing -- oh, I'm  
21 sorry. Let me go through one more thing because  
22 Mr. Oller likes this.

23 For the reasons stated, Mr. Oller, the  
24 case promotes several goals of the Municipal Land  
25 Use Law. I'm going with A, C, G, I and M on this.

1 I went through the reasons already.

2 But those are the goals that we do  
3 have to show we promote for the granting of the  
4 variances.

5 On negative criteria very quickly,  
6 remember, your responsibility as a board is to look  
7 at these variances and determine they're not a  
8 substantial detriment to the public good, nor are  
9 they a substantial impairment to your zone plan.

10 In each case we think the answer is  
11 no. Okay? We have a very underdeveloped site here.  
12 The floor area of Starbucks incidentally is only  
13 11 percent of what could be built on this site under  
14 HIC zoning.

15 We are overparked. We're overparked  
16 on both the big lot and the small lot. That's  
17 valuable because we can't do on-street parking on  
18 Route 22. We don't want to do on-street parking on  
19 Morgan Lane.

20 Mr. Moschello has proposed a long line  
21 of evergreen plantings behind the Starbucks which  
22 will allow this lot, this Starbucks lot, to  
23 adequately buffer the homes which are probably about  
24 200 feet to the rear just with plant material on  
25 this site. Okay.

1 So we think homes in the back will not  
2 be negatively impacted by what we're proposing here  
3 tonight.

4 I'm going to go through some  
5 conditions with you in a minute. We also described  
6 to you a trash collection facility which is in the  
7 southwest corner of the site. That's over 220 feet  
8 from Finderne Heights. So we've got a lot of elbow  
9 room on the job for a pretty small building.

10 Now, Mr. Oller, I know you and  
11 Mr. Stolz have gotten a list of conditions. We've  
12 been taking notes for over a year now on what the  
13 board has requested. We put them into a long list.  
14 Do you want to do it, John?

15 MR. STOLZ: You can continue.  
16 It's fine.

17 MR. TOBIA: I'm doing okay so far.

18 MR. STOLZ: Fantastic.

19 MR. TOBIA: Okay. So here's what we  
20 have. And, of course, you can add anything you  
21 want.

22 The applicant has stipulated through  
23 engineering testimony to providing annual storm  
24 maintenance reports.

25 We told you deliveries would take

1 place between 6 p.m. and 5 a.m., the really slow  
2 hours for Starbucks. So our delivery truck will be  
3 on the site when very few customers will be there.

4 Delivery trucks will only use the  
5 Route 22 entrance. Construction vehicles will only  
6 use the Route 22 entrance.

7 Security lights, we propose would be  
8 turned off at 2 a.m.

9 There was a review letter from the  
10 fire department. Mr. Moschello said we would and  
11 could agree with everything in that letter.

12 VICE-CHAIRMAN WEIDELI: Is that the  
13 one dated February 20th?

14 MR. STOLZ: It's part of the board  
15 package. You said dated June 23rd, 2025. He's  
16 getting in to the February 20th --

17 VICE-CHAIRMAN WEIDELI: 2024.

18 MR. STOLZ: -- fire department report.

19 VICE-CHAIRMAN WEIDELI: 2024, though.

20 MR. STOLZ: Correct, correct.

21 VICE-CHAIRMAN WEIDELI: And you're  
22 going to -- both those conditions are good.

23 MR. STOLZ: I only have one  
24 clarification. I'll throw it out there.

25 It's my understanding that since the

1 building is not going to be sprinklered that the  
2 fire department connection isn't necessarily -- at a  
3 point in time when the building becomes sprinklered,  
4 they can do it. I don't know if that's -- is that  
5 correct or not? It's just my understanding, that  
6 the building is not sprinklered so the fire  
7 department connection is not required.

8 I don't know if anyone has a view on  
9 it?

10 CHAIRMAN FOOSE: We have to punt that.  
11 I mean, none of us are fire experts here.

12 Bill, your thoughts?

13 MR. BURR: In terms of Tom Scalera's  
14 report from February, was there -- I guess there was  
15 a comment regarding sprinklers? Is that my  
16 understanding? Let me skim through it here.

17 I see a requirement for KnoxBox. I  
18 see a requirement for a turning radius, for a fire  
19 department connection. I don't see anything about  
20 sprinklers.

21 Is there an issue regarding  
22 sprinklers?

23 MR. MOSCHELLO: There was testimony --  
24 good evening, everybody. Rob Moschello for the  
25 record.



1 There was testimony by the project  
2 architect a while back that the building did not  
3 need to be sprinklered based on the use and the --  
4 and the code.

5 So if there's no sprinklers. An FDC  
6 connection wouldn't be necessary because there's no  
7 -- the FDC connection is strictly for charging the  
8 sprinkler system inside the building.

9 So if the code -- if anything changes  
10 when they go for building permits and it turns out  
11 that a sprinkler system is required --

12 CHAIRMAN FOOSE: That's your risk.

13 MR. MOSCHELLO: -- we would put the  
14 FDC connection at the curb.

15 MR. BURR: So what would happen is  
16 when -- if this application is approved, when Rob's  
17 office puts a compliance package together which is  
18 them addressing all of the conditions of this  
19 approval, that issue will be vetted. Because Tom is  
20 going to need to do one final review. So it will  
21 get fleshed out at that point.

22 CHAIRMAN FOOSE: So he'll get another  
23 look at this.

24 MR. BURR: He'll get one more look at  
25 it. Rob will do a lead-in to say that the building

1 at this point is not proposed to be sprinklered.  
2 And then that will take care of that issue.

3 CHAIRMAN FOOSE: Just so the record is  
4 clear, we defer to the township engineer and the  
5 language is on the record.

6 MR. BURR: It will be handled.

7 CHAIRMAN FOOSE: That's fine by me.

8 MR. BURR: And again, through the  
9 course of the construction permit process, if  
10 sprinklers are necessary, it will get caught at that  
11 point as well.

12 CHAIRMAN FOOSE: All right. I'm glad  
13 we put it out there.

14 Thank you, Rob.

15 MR. MOSCHELLO: We can accommodate it  
16 if necessary.

17 VICE-CHAIRMAN WEIDELI: Bill, so we  
18 can go ahead without -- based on what you just said  
19 then, correct?

20 MR. BURR: I would recommend that's  
21 fine to move forward if the board is comfortable  
22 with that. I think there's no issues with that.

23 VICE-CHAIRMAN WEIDELI: We'll leave it  
24 up to you.

25 MR. OLLER: Bill, what's the date of

1 that report?

2 MR. BURR: February 20th, 2024.

3 MR. OLLER: Thank you.

4 MR. TOBIA: I'll continue,  
5 Mr. Chairman.

6 CHAIRMAN FOOSE: Yeah.

7 MR. TOBIA: Coming down the stretch  
8 here.

9 But okay, so after fire, we said there  
10 will be no drop-down curtains on the outdoor seating  
11 area. That was a recommendation of the board long  
12 ago.

13 Henry Kent Smith granted Title 39  
14 jurisdiction of the site. Okay. That's for your  
15 police patrol.

16 Now, at the last hearing, we talked  
17 about the idea of an off-duty police patrol for the  
18 property as it's opening up to make sure things work  
19 out great. And we would make that a condition of  
20 approval. It was for Morgan Lane, as I understand.  
21 And we would suggest a 30-day window during peak  
22 hours for you all to patrol it, coordinate it, make  
23 suggestions on how to improve it.

24 Our directional signs right now, which  
25 help people move around the drive-through lanes on

1 the site, are at 6.1 square feet. That's too big.  
2 Your ordinance says they have to be 3 square feet.

3 At the last meeting, we stipulated we  
4 would reduce those all in size to the required  
5 3 square feet.

6 Ms. Sarmad said let's make sure the  
7 Route 22 driveway is identified on Google and Waze  
8 for the purposes of site entry. And we will do  
9 that, communicate with Google and Waze.

10 Mr. Rached, he said -- so we have --  
11 remember we have those 287 directional signs north  
12 and south of the building that say Route 287 to the  
13 west. I think you said make the font a little  
14 bigger, you know, so that people could see it.  
15 We'll do everything we can to see that. I'm sorry?

16 MR. RACHED: That is correct.

17 MR. TOBIA: Okay. So we will do that.

18 MR. KULAK: Can I ask you to stop for  
19 just a moment? Right over here.

20 I want you to rewind to the point  
21 where the previous attorney had granted the police  
22 jurisdiction over the property.

23 Does that apply to the entire parcel  
24 that would include Stone Tavern and the hotel or  
25 just for the Starbucks property?

1 MR. TOBIA: Don't forget, this  
2 applicant only owns Starbucks now.

3 MR. KULAK: But you're claiming the  
4 integration of that property with the other two, so  
5 I'm trying to get some clarity around if it applies  
6 to one parcel, does it apply to all three?

7 MR. TOBIA: You know, I think when it  
8 came up, the idea was we would have better control  
9 over people coming down Morgan Lane and trying to  
10 make a left into the driveway. We were trying to  
11 discourage commercial use of Morgan Lane.

12 We're granting Title 39 blanket over  
13 Starbucks. And I'd let our attorneys figure out if  
14 it could be done over the whole site. Or, Mr.  
15 Oller, if it was even granted five years ago. I  
16 just don't recall.

17 MR. OLLER: I don't know if it was  
18 granted when those other sites were approved. And I  
19 don't think this applicant has the authority to say  
20 that they would agree to grant it on property that  
21 they no longer own or control.

22 MR. KULAK: That, I understand.

23 But again because we're talking about  
24 essentially a 3-unit land condominium, for want of a  
25 better description, and you want to -- when you talk

1 problem with the first two that we control, which is  
2 the Stone Tavern lot and the Houlihan's lot and the  
3 Starbucks lot. We have zero control over the hotel  
4 lot other than what's in the master deed for the  
5 condominium itself.

6 And, as Mr. Tobia said, there's  
7 cross-easements and there's shared parking and  
8 things of that nature. We don't have the legal  
9 ability to burden their lot or extend Title 39 to  
10 their lot without their consent.

11 MR. KULAK: So then for the sake of  
12 this discussion, Title 39 applies only to the  
13 Starbucks site.

14 MR. STOLZ: I think for this purpose,  
15 yes.

16 MR. KULAK: Thank you.

17 MR. TOBIA: So to wrap up, the final  
18 condition we proposed, which is self-evident, is  
19 that what you see here on Exhibit A-11, the signs,  
20 pork chop and pavement markings will be integrated  
21 into a full plan revision, site plan revision, so  
22 that the exhibit is memorialized in the plans.

23 That's all I had for conditions. And  
24 that's all I have for my testimony.

25 CHAIRMAN FOOSE: Yeah. Let's open it

1 about coverage, for example, you integrate all three  
2 properties together. You talk about other aspects  
3 of the design and you integrate all three properties  
4 together.

5 I'm not trying to beat this up. I  
6 just want to know whether it applies only to  
7 Starbucks or if it applies to the whole property.

8 MR. TOBIA: Recall, if you would, it  
9 was explained that there are cross-access easements  
10 over the entire property, okay, meaning Starbucks  
11 can drive to Stone Tavern, back to the hotel and so  
12 on. And I would imagine Title 39 would let the  
13 police do all that also.

14 MR. KULAK: Maybe if we just find out,  
15 that would be a better answer than the one we're  
16 making up.

17 MR. STOLZ: So what I can clarify is  
18 this, the condominium has three -- it's a 3-unit  
19 condominium that has three distinct owners: The  
20 applicant this evening, a related entity which owns  
21 the Stone Tavern, formerly the Houlihan's lot, and a  
22 completely unrelated third-party, which is the  
23 hotel. The lot was sold during COVID, I think  
24 around 2021, '22.

25 So as the applicant, we don't have any

1 up to the board questions.

2 Mrs. Amin?

3 MS. AMIN: If someone is traveling on  
4 Route 22 from the west direction, to enter they have  
5 to go through that Stone Tavern entrance and then  
6 going to Starbucks.

7 So how would they know that they're  
8 supposed to move, I guess?

9 MR. TOBIA: I couldn't hear that.  
10 You're too quiet. I don't know anyone else that's  
11 as soft-spoken as you.

12 MS. AMIN: Okay. So now you can hear  
13 me, right? I'm sorry.

14 MR. TOBIA: You're not soft-spoken.  
15 Your mic was just off.

16 MS. AMIN: If someone comes down  
17 Route 22 and they have to enter from that Stone  
18 Tavern entrance, or is there an entrance closer to  
19 the building? So how do they know that they're  
20 supposed to take that entrance?

21 MR. TOBIA: You know, I don't think I  
22 mentioned it. Another condition -- thank you for  
23 that -- would be that we proposed at the last  
24 hearing to add a sign over on Stone Tavern, just a  
25 long narrow sign that said "Starbucks."

1 MS. AMIN: It will be -- there would  
2 be a sign that says "Starbucks".  
3 MR. TOBIA: It would be at the Stone  
4 Tavern driveway. And it would say "Starbucks." And  
5 then once you came through this throat of the  
6 driveway, there would be a small directional sign  
7 right there saying "Starbucks left." And that's  
8 what would get you to make a left in front of the  
9 Stone Tavern building and proceed to Starbucks.  
10 MS. AMIN: What if someone misses that  
11 entrance, then they have to go to Morgan Lane and  
12 then enter.  
13 MR. TOBIA: Correct.  
14 MS. AMIN: Okay. So once you enter  
15 through that side, are you allowed to go -- make a  
16 left turn at that point to park in one of those  
17 parking spots, or do only right? Because your  
18 drawing shows only a right turn, no left turn up  
19 there once you enter from Morgan Lane into the  
20 parking lot?  
21 MR. TOBIA: So once -- so let's say  
22 you miss the Stone Tavern driveway, okay. You're  
23 still traveling on 22 eastbound, and you are going  
24 to be alerted to Starbucks by a freestanding sign  
25 and the building itself.

1 And then your next opportunity would  
2 be to make a right on Morgan on the commercial side  
3 of Morgan.  
4 Don't forget, we have a Jiffy Lube on  
5 the other side of us, okay? There's a driveway.  
6 That would be a right turn in at that point. And  
7 there's also a directional sign there once you come  
8 through the driveway that would say make a right.  
9 You'd come around the front of the building --  
10 MS. AMIN: Then go around.  
11 MR. TOBIA: Then go around. Okay.  
12 MS. AMIN: Okay.  
13 CHAIRMAN FOOSE: Any other board  
14 questions?  
15 MS. AMIN: If someone is going to have  
16 their coffee and go and leave, what options do they  
17 have? Going towards the top-top of the drawing, you  
18 can't make a left turn, so you have to go around and  
19 then come back.  
20 MR. TOBIA: We have directional signs  
21 on the site, okay, a lot of them that explain which  
22 way to go to the drive-through, which way to go to  
23 the building. We think we got it right. Okay?  
24 We would expect the way this is  
25 designed that when people come in Morgan Lane,

1 they're not going to miss that driveway. They will  
2 have seen the building by then. There will be no  
3 reason to go down to the other driveway whatsoever.  
4 MS. AMIN: So the first entrance from  
5 Morgan Lane, you cannot exit from that one.  
6 MR. TOBIA: No.  
7 MS. AMIN: No, no exit.  
8 MR. TOBIA: Entrance only.  
9 MS. AMIN: That's all.  
10 CHAIRMAN FOOSE: All right. Other  
11 board questions?  
12 VICE-CHAIRMAN WEIDELI: Yeah.  
13 I just had a quick question.  
14 I believe I was the one at the first  
15 or second meeting quite a while ago who questioned  
16 why there's so much outdoor seating.  
17 So you -- in the back, which would be  
18 the back of the building, you reduced it and took  
19 some of that out.  
20 And you're going to have four small  
21 tables in the front going towards 22. But you're  
22 not increasing that area though, are you?  
23 That was there originally?  
24 MR. TOBIA: Yes.  
25 VICE-CHAIRMAN WEIDELI: Okay. So

1 you're actually reducing the back, reducing the  
2 number of tables and just adding some on exists,  
3 what was going to be there.  
4 MR. TOBIA: You may recall, we had 40  
5 seats, 40 outside seats, on the west side of the  
6 property.  
7 And that was all eliminated as part of  
8 the redesign.  
9 VICE-CHAIRMAN WEIDELI: Okay.  
10 MR. TOBIA: We actually had more  
11 outdoor seats than indoor seats.  
12 VICE-CHAIRMAN WEIDELI: So you're  
13 shrinking that and just keeping the same size in the  
14 front and adding some tables.  
15 MR. TOBIA: Correct.  
16 That's correct.  
17 VICE-CHAIRMAN WEIDELI: Thank you.  
18 CHAIRMAN FOOSE: Anyone else?  
19 MR. FRESCO: So I have a note from the  
20 original meeting about the landscaping. And at some  
21 time we talked about the landscaping not being  
22 completed until the hotel was finished. I don't  
23 know if that was a stipulation. Can we get a  
24 clarification on that? Is that true or not?  
25 MR. TOBIA: Remember, we did have that

1 discussion. We don't own the hotel site anymore.  
2 "We" meaning the applicant. Okay?

3 We can't go back there and plant trees  
4 or do anything else.

5 So the query from the board was, how  
6 do we landscape Starbucks as if the hotel is never  
7 going to be built? We expect it will be built. And  
8 that's where Mr. Moschello did this nice line of  
9 evergreen plantings along the southerly side of the  
10 Starbucks site. We control that plant material.  
11 What he's showing there right now are 14 really big  
12 evergreens that are really going to grow.

13 So we hope the hotel gets built. But  
14 if it doesn't, the Starbucks site is really well  
15 planted, especially along that southerly property  
16 line.

17 MR. FRESCO: So everything we see here  
18 and the town sees here will be completed.

19 MR. TOBIA: Correct.

20 MR. FRESCO: Great.

21 Thank you.

22 MR. SWEENEY: I went through a 3-foot  
23 pile of papers the other day trying to catch up on  
24 where we were and where we've been -- thank you --  
25 on this application.

1 And one of the reports I came across  
2 is dated December 20th of 2023. It was prepared by  
3 Scarlett Doyle, former board planner.

4 And on it, it raises a number of  
5 issues. I just want to bring up one and see what  
6 you think about it. It's about the Morgan Lane  
7 exit.

8 And it says -- and I'm just going to read this.  
9 This is the report, Scarlett's report.

10 "Use of the exit from Morgan Lane for  
11 Starbucks restaurant should be a matter of  
12 testimony. The HIC ordinance specifically  
13 prohibits access to Morgan Lane if the Board  
14 determines that the road primarily serves  
15 residential zones."

16 Where are we on that? I don't  
17 remember the board doing much of anything in terms  
18 of what Morgan Lane is used for.

19 But apparently the ordinance is quite  
20 specific, the HIC ordinance.

21 MR. TOBIA: It was.

22 Because the Morgan Lane debate  
23 protecting the homes on Morgan Lane went back to the  
24 1998 ap. We've been talking about it for over 20  
25 years.

1 The answer now is this site proposes  
2 no egress whatsoever to Morgan Lane. Okay?

3 So the driveway coming in off of  
4 Morgan, the one I just described, is inbound only.  
5 And then everything we've done with the signage  
6 previously described is about taking traffic out to  
7 the west, out toward Stone Tavern, and then  
8 directing it to the Stone Tavern driveway further  
9 west.

10 MR. SWEENEY: Isn't it possible for  
11 somebody at Starbucks to use that second egress  
12 point on Morgan Lane, the one that's further south,  
13 right? Can't they use that?

14 MR. TOBIA: The answer is yes.

15 MR. SWEENEY: Well, then how does that  
16 -- explain to me how you can do that if the HIC  
17 ordinance specifically prohibits access to Morgan  
18 Lane.

19 MR. TOBIA: So when I read that and  
20 when I listened to all -- I've been at everything  
21 hearing, okay, for 27 years.

22 The whole angle was about preventing  
23 people from coming down Morgan to get to this site,  
24 meaning commercial traffic through a residential  
25 zone.

1 The way this is done now, we have --  
2 our driveway is so close to Starbucks, the one I'm  
3 circling now, the new one, it's almost  
4 incomprehensible why folks would miss that driveway  
5 and go down further into the southerly driveway.

6 Now, remember, we have two things  
7 going on with Morgan Lane. Once you get to the end  
8 of our site, the southerly property line, that's  
9 when Morgan Lane turns residential.

10 After that, it's the nice condos and a  
11 bunch of single-family homes all the way down to  
12 Union Avenue.

13 Before this line, it's commercial,  
14 notably, the so-called hotel site, Stone Tavern,  
15 Starbucks. On the other side of the street you have  
16 Jiffy Lube.

17 So we have a really clear line where  
18 this street -- where this street starts and stops as  
19 to residential use. We think we've done everything  
20 here we can to limit commercial traffic on the  
21 residential section of Morgan.

22 MR. SWEENEY: I get it.

23 I understand exactly what you're  
24 saying. I'm just hung up on the fact that we have  
25 an ordinance in place that specifically prohibits

1 access to Morgan Lane.  
 2 It would seem as though what you're  
 3 proposing is a blatant violation of that ordinance.  
 4 I mean, you can qualify it any which way you want.

5 But what you're coming down to is,  
 6 there will be traffic -- potentially there will be  
 7 traffic exiting Starbucks onto Morgan Lane in direct  
 8 -- the second driveway.

9 If people get lost somewhere inside  
 10 there and find themselves at that second driveway,  
 11 what are they going to do, keep driving around or  
 12 use that exit onto Morgan Lane?

13 MR. TOBIA: There's always going to be  
 14 a renegade or two who does it. I'm familiar with  
 15 the provision you're talking about. I thought it  
 16 said access to Morgan Lane, meaning egress to Morgan  
 17 Lane.

18 MR. SWEENEY: It says access. That's  
 19 all I know.

20 MR. BURR: Mr. Chairman, can I just  
 21 chime in one second?

22 CHAIRMAN FOOSE: Sure.

23 MR. BURR: Let me just -- let me just  
 24 read the provision of the ordinance just so it's  
 25 clear, because Scarlett paraphrased a little bit.

1 I'll read directly.

2 In front, Board Member Sweeney, you  
 3 may have as well. But it says: "All uses in the  
 4 HIC zoning district must have direct access to a  
 5 state highway," which this does by way of the main  
 6 access by the Stone Tavern.

7 It then says:

8 "Direct access to a public street  
 9 servicing residential zones is prohibited."

10 So I think is argument is that the  
 11 direct access is in fact off of Route 22, and the  
 12 access point off of Morgan is secondary, and that's  
 13 why they prohibited right turns out of Morgan to get  
 14 you just back to Route 22.

15 So the Morgan access point is only a  
 16 left turn out to get back to 22. It does not  
 17 provide direct access to the residential portions of  
 18 Morgan.

19 I think that's the interpretation of the ordinance.  
 20 That's the way it's written.

21 Obviously it's up to the board to --  
 22 you know, to take a look at that. But that's my  
 23 read of it at least.

24 MR. SWEENEY: Well, thank you. That  
 25 helps.

1 Mr. Tobia, the other thing that, as I  
 2 -- as I went through a lot of paperwork to try to  
 3 bring myself up to speed on where we've been and  
 4 where we're heading on this thing, there's been a  
 5 number of changes.

6 And I've lost track of all of them. I  
 7 don't pretend to remember all of them.

8 But there was certainly a plan that  
 9 included direct access off of Route 22, a lot of  
 10 concern about traffic building up on 22 as a result  
 11 of that, so you made changes to try to accommodate  
 12 that.

13 There were other concerns about how  
 14 many cars would be able to queue waiting to put in  
 15 their order. You made changes to accommodate that.

16 There have been a number -- I don't  
 17 know -- three, four dramatic changes made to the  
 18 plan.

19 And as I start thinking about this, it  
 20 seemed to me as though this really says something  
 21 about particular suitability. I know you addressed  
 22 particular suitability and I understand the reasons  
 23 you gave for why this proposal meets the particular  
 24 suitability test.

25 But I guess the issue I had in my head

1 is, if this site was so particularly suitable for  
 2 this use, wouldn't it have been easy to come up with  
 3 a design that accommodated it?

4 But instead, we've gone around and  
 5 back and forth and over and under to get to where we  
 6 are today, which to me might say this site was not  
 7 particularly suitable at all for this application  
 8 and that's why they've been tripping over themselves  
 9 every other year, month, to try to explain why it  
 10 works. Help me. Help me.

11 MR. TOBIA: Okay. The reason is this  
 12 is a site plan review process, okay. You guys get  
 13 to review what we draw.

14 And many site plans, Mr. Sweeney, are  
 15 negotiated. You give a little. We give a little.  
 16 We come back. And many of them, as you know --  
 17 you've been on the board a long time -- it takes a  
 18 while to get it right.

19 Recall also, this is the smallest  
 20 building ever proposed for this entire site. It's  
 21 one-quarter the size of what we approved with  
 22 Goddard, just as one example. The complication has  
 23 always been back-up potentially out onto Route 22,  
 24 which no one ever wanted.

And, you know, listen the other day I

1 added it up. I've been to about 3,000 zoning boards  
2 meetings in my career, okay, zoning board, planning  
3 board. You get the idea. This is pretty common.  
4 Okay?

5 I routinely have cases that go on a  
6 couple years. We routinely have cases where plans  
7 are revised multiple times. And we've tried to work  
8 with you every step of the way. I don't believe  
9 we've ever said your suggestion is impossible.  
10 We've said we'll work on it; we're coming back in  
11 two months. I don't think that speaks to particular  
12 suitability at all.

13 I think Starbucks is licking at the  
14 chops to get this site. It's so perfectly situated  
15 for their business. Okay?

16 MR. SWEENEY: Thank you.

17 CHAIRMAN FOOSE: You were also here  
18 for the meetings where, you know, I drove to nearly  
19 every Starbucks is central and northern New Jersey.  
20 You proposed a light system, you know, a green and  
21 red light system. It didn't work in Madison, you  
22 know.

23 So a lot of the things you proposed,  
24 to Mr. Sweeney's point, the suitability is in  
25 question, and to the point where the technology you

1 back up onto Morgan or, God forbid, 22 somehow, we  
2 need to record that. We need to let the police  
3 know. And we need the operations of this -- of this  
4 establishment know. And we need to address it.

5 Because the whole reason -- and you  
6 touched on this in your testimony -- why is this not  
7 an approved use?

8 Well, the Somerville Dunkin' Donuts is  
9 why this is not an approved use. We don't ever  
10 want a drive-through in New Jersey that's going to  
11 A, be in a residential neighborhood; but B, propose  
12 a potential safety conflict. And there's why, you  
13 know, we've been here for 16 months working on this.

14 So I don't know how you want to  
15 structure it. If you want to work it out with Bill.  
16 You can even work it out after this meeting.

17 But there needs to be a way that we  
18 can record that the queues overflowed and address it  
19 and mitigate that risk somehow.

20 MR. TOBIA: I'm glad you're saying  
21 that. We did agree to that a long while ago. It  
22 just slipped through the cracks.

23 But you're talking about the idea of  
24 an annual report on how the drive-through lane is  
25 works.

1 offered up wasn't even viable at your other  
2 location, at a brand-new store in Madison, New  
3 Jersey.

4 So I think those are things that  
5 should be on the record. And, hopefully, you've  
6 addressed and addressed Mr. Sweeney's question. I  
7 mean, you feel this a suitable site?

8 MR. TOBIA: I love this site.  
9 Remember, our -- I don't get too emotional about my  
10 cases, Mr. Chairman.

11 But our first witness, Lizanne Kyle  
12 from Starbucks from way back said this is an  
13 enormous site for Starbucks. And size matters here.  
14 Okay? Because once we put the kibosh on the gates  
15 and that lighting system and all, we realized we  
16 could take a queue out 30 cars to Stone Tavern.

17 No one ever expects it will get  
18 anywhere near that level because people are going to  
19 get bored or impatient and go down the street to the  
20 next whatever, Starbucks, Dunkin, whatever.

21 But that size speaks to particular  
22 suitability as well.

23 CHAIRMAN FOOSE: One thing I do want  
24 to add to your stipulation list. We need some way  
25 that if there is an overflow and the queue, it does

1 CHAIRMAN FOOSE: Well, you know, in  
2 the first two weeks, you know, if you have every kid  
3 in Bridgewater wanting to get a mocha latte and this  
4 stacks up onto Morgan and backs up to 22, we've got  
5 to come back. We've got to fix this.

6 MR. TOBIA: Agreed.

7 And we will -- we'll add it to the  
8 list.

9 MR. STOLZ: And to ensure that, we  
10 will have the police present during that peak hour  
11 for that first month to sort of train folks as they  
12 see the use, train them as to the traffic patterns,  
13 get them to understand the flow of traffic.

14 And certainly, you know, if there are  
15 35 vehicles in that queue, which is unprecedented,  
16 but if it should happen, the officer will be there  
17 to prevent that.

18 CHAIRMAN FOOSE: No.

19 I still can't reconcile the traffic  
20 testimony when we have service grades from A to F.  
21 Don't know what an F is. I don't know what an A is.  
22 I would assume A is good and an F is bad.

23 But nonetheless, you know, for me to  
24 use my mathematical brain to say, you know, is this  
25 10 percent safer, is it 20 percent less safe at

1 these different points, what's the incremental  
 2 difference between the grades?  
 3 I've been on the Zoning Board 15 years  
 4 now and I still don't know.  
 5 And I certainly didn't know from the  
 6 testimony at the last meeting.  
 7 These are things that, you know, I  
 8 think the board is still going to struggle with.  
 9 So I don't know if you have anything  
 10 to add to that in your planning testimony, but, I  
 11 mean, it comes down to, can we give the town  
 12 assurances and the residents assurances this is a  
 13 safe property?  
 14 MR. TOBIA: So I don't do traffic  
 15 testimony.  
 16 CHAIRMAN FOOSE: And I'm not asking  
 17 you to talk about it. Just something back to  
 18 suitability.  
 19 MR. TOBIA: What I got out of my notes  
 20 from Ms. Dolan's testimony was level of service  
 21 never got down to F. And she's here tonight. I  
 22 think she's still here, right?  
 23 She's here. I thought she said C in  
 24 the a.m., D in the p.m.  
 25 CHAIRMAN FOOSE: Right.

1 The range was A to F. I didn't mean  
 2 to insinuate that it was an F in any way, shape or  
 3 form, but the range was A to F.  
 4 MR. TOBIA: Yeah. I didn't hear it  
 5 that way. But she's here if you want to talk to  
 6 her. It's a funny thing, the more traffic that goes  
 7 by this site, the more suitable Starbucks is, if you  
 8 can follow that.  
 9 CHAIRMAN FOOSE: Sure.  
 10 Absolutely, from a dollar perspective.  
 11 But from a safety perspective, how do you reconcile  
 12 that.  
 13 MR. TOBIA: And then I would wonder --  
 14 think about this -- can't we say that about  
 15 seemingly every land use along Route 22 with the  
 16 traffic volumes we have? You know, it's just -- it  
 17 is just life on 22.  
 18 So, anyway, that's my traffic  
 19 testimony for the night, Mr. Chairman.  
 20 CHAIRMAN FOOSE: Right.  
 21 But approved uses go to that safety  
 22 aspect and why we don't have drive-throughs in  
 23 Bridgewater. And the one that is on 22 is a  
 24 Somerville establishment and it's a safety risk.  
 25 It's embarrassing that they let that establishment

1 continue to have their queue spill onto 22.  
 2 MR. TOBIA: Yeah.  
 3 Listen, there are a few Starbucks, a  
 4 few Dunkins, all of them that were retrofitted into  
 5 sites, Madison included. This ain't. Okay? This  
 6 is an acre-and-a-half site. You've seen it.  
 7 A carpenter's dream, right? There's  
 8 no water on it. It's just big and flat. And this  
 9 is a little bit different when you build new rather  
 10 than retrofit and try and squeeze things in.  
 11 CHAIRMAN FOOSE: All right.  
 12 Thank you.  
 13 All right. Last chance, board  
 14 questions?  
 15 (No Response.)  
 16 CHAIRMAN FOOSE: Board professionals?  
 17 Have at it.  
 18 Maurice, you look ready.  
 19 MR. RACHED: I don't have any  
 20 questions, but I just want to give you,  
 21 Mr. Chairman, a little summary.  
 22 The applicant did comply with all the  
 23 recommendations in terms of managing the flow of  
 24 traffic onsite, putting signage, changing the  
 25 geometry to ensure that traffic will be guided in

1 the right direction to go towards Route 22 and not  
 2 Morgan Lane.  
 3 And I reviewed the analysis, the level  
 4 of service, and I find them to be done  
 5 appropriately.  
 6 Now, to your question, Mr. Chairman,  
 7 you know, from A to F, I'm going to give you a very  
 8 simple answer. It's all a matter of delay. We do  
 9 the calculations. And if there is a delay of up to  
 10 ten seconds per vehicle on average, it's an A.  
 11 If it's up to 15 seconds, it's a B.  
 12 If it's up to 25 seconds, it's a C and  
 13 so on.  
 14 And if you reach 50 seconds of delay,  
 15 this is classified as an F.  
 16 So an F doesn't mean failure from the  
 17 sense of a bridge falling. An F means that each  
 18 vehicle on average has to wait 50 seconds or more at  
 19 that stop sign.  
 20 So when a study tells you that it's a  
 21 Level of Service C, that means it's somewhere  
 22 between 20 and 30 seconds or 20 and 35 seconds. So  
 23 that's what it means.  
 24 I hope I gave a good answer to the  
 25 question.

1 CHAIRMAN FOOSE: I want to clap.  
 2 You're the first traffic engineer to do that.  
 3 Thank you.  
 4 MR. RACHED: Other than that -- and I  
 5 heard your question. I can't read your name.  
 6 Ms. Amin?  
 7 MS. AMIN: Yes.  
 8 MR. RACHED: Amin, okay.  
 9 That's a very, very good question, by  
 10 the way. The only response I would have in addition  
 11 to what Mr. Tobia said is that generally speaking  
 12 people that go to Starbucks become repeat customers,  
 13 unlike some other convenience stores. So they  
 14 learn.  
 15 So if they miss the driveway the first  
 16 time, they learn and they will do it right the  
 17 second time. Because if they go on Morgan Lane,  
 18 they have to go all around the site and they realize  
 19 it's not the most practical way so they get it right  
 20 the second time.  
 21 So I'm not very concerned about that  
 22 point even they're putting signs, which I think  
 23 should work with 80 or 90 percent of the drivers.  
 24 So that's all I have, Mr. Chairman.  
 25 CHAIRMAN FOOSE: Thank you very much

1 for clearing that up.  
 2 MR. BURR: Mr. Chairman, I don't have  
 3 specific questions of Mr. Tobia from a planning  
 4 perspective.  
 5 I do have a question for  
 6 Mr. Moschello. I don't know if now is the  
 7 appropriate time to have him come up and let me ask  
 8 him one quickie?  
 9 CHAIRMAN FOOSE: The last witness.  
 10 It's now or never.  
 11 MR. BURR: So actually it was Board  
 12 Member Fresco that just asked the question about  
 13 landscaping. And even Mr. Kulak alluded to it.  
 14 Through the course of hearings we've  
 15 had a number of questions about how this project,  
 16 this particular condo lot gets constructed in  
 17 relation to the hotel, recognizing that they're not  
 18 going to get built at the same time.  
 19 And there's a lot of improvements on  
 20 the property that overlap in some respects.  
 21 As it relates to this application,  
 22 Rob, there are some improvements that stretch beyond  
 23 the limits of the condo striping, signage, that are  
 24 part and parcel to this particular development.  
 25 Can you or would you agree to a

1 condition to revise your plan?  
 2 I'm almost thinking from a phasing  
 3 perspective. I think it needs to be very clear what  
 4 gets built. If this application is approved, what  
 5 gets built with Starbucks versus what gets built  
 6 with the hotel if and when that gets constructed in  
 7 the future.  
 8 MR. MOSCHELLO: Yeah, Mr. Burr.  
 9 I'm looking at my nice rendering here  
 10 that is a printout of what Mr. Tobia presented to  
 11 the board. And the way we rendered it and hatched  
 12 it, we highlighted the items on there that we're  
 13 anticipating would get constructed in terms of the  
 14 signage and striping and everything. That kind of  
 15 follows that dashed line you see.  
 16 But to your point, yes, I agree, we  
 17 should probably provide an updated construction  
 18 phasing plan that differentiates the work that must  
 19 be built if the Starbucks goes forward before the  
 20 hotel so that when the Starbucks is completed, the  
 21 signage, the striping and everything is in place for  
 22 the opening of the Starbucks.  
 23 I also know there's a sanitary line  
 24 that crosses through the hotel lot that has to go  
 25 in, so that's again -- there are some other

1 improvements there that are tied back to this.  
 2 So, again, we'll make sure we make  
 3 that clear on the site plans if that's a condition  
 4 of approval. That's no problem complying with that.  
 5 MR. BURR: Okay, great.  
 6 And then just for the board's benefit,  
 7 I had in my notes a few other potential conditions  
 8 of approval beyond what was discussed earlier.  
 9 One of them we just discussed, which  
 10 is the queue management of the drive-through. There  
 11 was an agreement early on the first or second  
 12 meeting that a plan was actually going to be  
 13 presented as a condition of approval, almost like an  
 14 O&M manual on how issues if there are issues are  
 15 going to get dealt with.  
 16 CHAIRMAN FOOSE: Who should they send  
 17 that to?  
 18 MR. BURR: That's going to need to be  
 19 submitted as part of the compliance package.  
 20 Again, assuming an approval, as part  
 21 of site plan compliance, that will need to be  
 22 provided.  
 23 I think Katherine and I would take a  
 24 look at that on the board's behalf.  
 25 But I think that would be the



1 appropriate time.

2 MR. MOSCHELLO: Yes. We're okay with  
3 that, yes.

4 MR. BURR: There's also -- in addition  
5 to providing the annual certification for stormwater,  
6 you have to provide the O&M manual before that as a  
7 condition. You know, I just want it to be very  
8 clear in the conditions.

9 MR. MOSCHELLO: Yes, we'll do that as  
10 well.

11 MR. BURR: And then we have outside  
12 agency which I'm sure Rich is going to -- any  
13 outside agency approval including, I think, going  
14 back to DOT, there was a discussion at the last  
15 hearing, I think, about going back to DOT.

16 I could be mistaken, but I thought  
17 that was -- that was in there.

18 MR. MOSCHELLO: Yes.

19 Going back to DOT for the removal of  
20 the driveway. Then also we need to -- if the board  
21 acts favorably upon this, we'll need to submit an  
22 updated TWA application to the state.

23 So once we go through the compliance  
24 process, we'd ask that the town provide the  
25 endorsement on that so we can file for the TWA

1 permit as we go through the compliance process.

2 MR. BURR: Very good.

3 That's all I had.

4 Thank you, Mr. Chairman.

5 CHAIRMAN FOOSE: Thanks, Bill.

6 Katherine?

7 MS. SARMAD: Just a few things, I  
8 think Mr. Tobia provided all the requisite proofs  
9 for the variance relief that's being sought.

10 I appreciate the additional testimony  
11 related to the menu boards. I think that those  
12 should be included -- and he did provide the  
13 testimony as a variance for those -- as a variance  
14 for menu boards where no menu boards are permitted.

15 Obviously if the zoning ordinance  
16 doesn't contemplate drive-throughs largely except  
17 for one zone, menu boards aren't -- it's silent on  
18 menu boards.

19 But I think that, as we've -- if  
20 anyone's been through a drive-through in the last  
21 ten years, the menu boards have changed  
22 dramatically. The size of them in some places are  
23 enormous.

24 So I'd rather control it with the  
25 variance relief for the total square footage amongst

1 those three menu boards in the case that they ever  
2 need to come back for any expansion of those, so  
3 they don't get out of hand. Because they are lit  
4 internally.

5 CHAIRMAN FOOSE: Those boards will be  
6 turned off at closing? We should throw that on the  
7 stipulation list while we're at it.

8 MR. TOBIA: The list gets longer.

9 CHAIRMAN FOOSE: All right.  
10 Thank you.

11 MR. TOBIA: Yes.

12 MS. SARMAD: Other than that, I have  
13 no other testimony -- no other questions. Sorry.

14 CHAIRMAN FOOSE: Thank you very much.

15 MS. SARMAD: Thank you.

16 CHAIRMAN FOOSE: All right. Members  
17 of the public that have --

18 MR. TOBIA: May I just give you 30  
19 more seconds, if you don't mind?

20 CHAIRMAN FOOSE: Of course.

21 MR. TOBIA: Here is the intent and  
22 purpose of the HIC zone. Okay?

23 First of all, that stands for "Highway  
24 Interchange Commercial." Okay.

25 It says:

1 "The purpose of the zone is to provide  
2 for the regional, commercial and transient  
3 needs and uses appropriately situated or  
4 adjacent to the intersection of major  
5 commercial highways."

6 Highway means more traffic.

7 Interchange implies more traffic. And so does C,  
8 which stands for "Commercial."

9 What I'm getting at is, if you all  
10 were in a residential zone, the R-50 zone or  
11 something like that, we should be belly-aching about  
12 more traffic.

13 This zone is on Route 22, right next  
14 to Route 287. Traffic is supposed to happen here.  
15 Okay?

16 That's all I've got.

17 CHAIRMAN FOOSE: Thank you very much.

18 Members of public that would like to  
19 ask questions on the planning and the updated  
20 testimony from Mr. Moschello, now is the time to  
21 approach. You can ask questions into the  
22 microphone.

23 (No Response.)

24 CHAIRMAN FOOSE: All right. Seeing  
25 none, Counselor, if you want to wrap up?

1 MR. STOLZ: Thank you very much,  
2 Mr. Chairman, Members of the Board.

3 Again, you know, we've heard a lot of  
4 obviously over the last 16 months and even this  
5 evening. I do believe that this project represents  
6 a great opportunity to finally develop this  
7 outparcel that's remained fallow for so long,  
8 20-plus years at a minimum.

9 You've heard testimony that the site  
10 has been previously approved for numerous uses that  
11 just never happened, including the furniture  
12 showroom, the office building, the bank, the Goddard  
13 School, all of which, as Mr. Tobia testified, are  
14 pretty much permitted uses in the zone.

15 Mr. Tobia also testified this evening  
16 that the physical constraints of the property, given  
17 its size and the changing market conditions, our  
18 appetites for those types of permitted uses really  
19 prevent this site from reasonably being adapted to a  
20 permitted use in this particular zone.

21 You've also heard testimony throughout  
22 the application that also a use variance is  
23 required. The site we do believe is, you know,  
24 appropriate for this use, and it is particularly  
25 suited to the location along this major regional

1 highway, for the reasons that Mr. Tobia set forth.

2 It's compatible with its surrounding,  
3 particularly with the restrictions that are going to  
4 be in the record, to the extent there will be an  
5 approval granted by this board, particularly as it  
6 relates even further as to the use -- prevention of  
7 the use of Morgan Lane.

8 It's complimentary to the uses that  
9 are going to be or will soon be constructed on that  
10 site. I'm talking about the Stone Tavern and of  
11 course the hotel.

12 It's not going to generate meaningful  
13 traffic along 22. It's a convenience use. It  
14 relies on pass-by traffic that's already there.

15 As we noted from the outset of  
16 tonight's hearing, this is a truly collaborative  
17 effort.

18 And although I have not been involved  
19 in this since the beginning, I've been doing this  
20 enough myself to know that this is probably one of  
21 the more collaborative efforts I've seen in quite a  
22 long time. And I think it stands to -- and it  
23 speaks to the patience and the commitment of both  
24 sides to try to find the best plan that fits for  
25 this particular site.

1 Yes, there's back-and-forth that may  
2 be divergent at times, but I think at the end, I  
3 think the record does show that you ultimately get  
4 to the right place and address the concerns of both  
5 the board, members of the community, the consultants  
6 and come to a best possible plan for this site.

7 There will always be traffic, as  
8 Mr. Tobia said, associated with this site. Whether  
9 it's a Starbucks, whether it's a Goddard School,  
10 whether it's any other permitted use, you're going  
11 to have the traffic conditions associated with the  
12 site we've been talking about for so long,  
13 particularly relating to Morgan Lane and the use of  
14 Route 22.

15 The record shows that, you know, the  
16 applicant has done everything they can to strongly  
17 influence that traffic and really prevent the use of  
18 Morgan Lane for anything other than a secondary  
19 entrance coming in and no one going out.

20 I think that's really all I have to  
21 wrap this up. It's been a long, hot night. I do --  
22 before I close, though, I do want to acknowledge  
23 Henry Kent Smith. You know, I'm just coming here at  
24 the very end. Whatever that outcome might be, he's  
25 done a tremendous job. He's been an elder statesman

1 in this profession for far longer than I've been  
2 practicing. And he's done a wonderful job.

3 I hope he's enjoying his retirement.  
4 But I do want to give acknowledgement and  
5 recognition to his efforts on this application.

6 On behalf of our client, I do believe  
7 we satisfied the burden of proof for the relief  
8 sought in this application and I'm pleased to submit  
9 this application for approval by this board.

10 CHAIRMAN FOOSE: Thank you very much.  
11 Once again, I'm going to open it up to  
12 members of the public that would like to speak for  
13 or against this application.

14 Now is the time to come up and give us  
15 your thoughts.

16 (No Response.)

17 CHAIRMAN FOOSE: All right. Seeing  
18 none, we're going to start deliberations.

19 We're going to open it up.

20 Mr. Weideli, what are your thoughts  
21 here on this Starbucks case?

22 VICE-CHAIRMAN WEIDELI: I have a few  
23 comments.

24 For the probably 15 years or so I've  
25 been on the board, this is probably the most

1 meetings we've ever had on any case. I know we go  
2 back a long time. I've lived in the area for  
3 30-something years. We all know that 22 is a  
4 difficult road. And at least where you're looking  
5 to put Starbucks is a more open area. You know,  
6 that land has been empty for years. It's a -- you  
7 know, you can't miss it.

8 So going back to when we started all  
9 this back a year-plus ago, we've asked for changes.  
10 And you basically have given everything we've asked  
11 for. You've been very accommodating. Because I  
12 don't think we'd be here tonight to be voting this  
13 far along if you didn't do those changes.

14 And to me, you reached the criteria  
15 that I would have wanted to make this as safe as  
16 possible and to put a business there.

17 So, in my opinion, I'm for the  
18 applicant at this point.

19 CHAIRMAN FOOSE: Thank you, Jim.

20 Chris, thoughts?

21 MR. GABBETT: I think my big concern  
22 was the Dunkin example of going back onto 22. That  
23 was -- that concern has been eliminated. I don't  
24 think we've asked for anything that hasn't been  
25 granted at least to a good faith extent. I would be

1 be.

2 I do think it's confusing. I'm not  
3 going to lie. It's kind of a like a maze. And my  
4 one concern is people getting in and out of here.  
5 And it's not just safety. It's getting in and out  
6 at this point, I think. And that's the only concern  
7 I have on this.

8 Otherwise, I think you've been very  
9 accommodating and done everything you possibly could  
10 on this site to make it work as good as possible.

11 So I'm generally thinking I'm in favor  
12 of this at the moment.

13 CHAIRMAN FOOSE: Thank you.

14 Mrs. Amin, your thoughts, please?

15 MS. AMIN: This application goes back  
16 to 2023. And we have heard the applicant so many  
17 different times and they've made so many different  
18 changes. Now the latest one looks like it's a very  
19 good design in terms of traffic and everything else.

20 From my perspective, it looks like a  
21 good location for this Starbucks. And I'm be in  
22 favor of approving it.

23 CHAIRMAN FOOSE: Thank you, Mrs. Amin.

24 Mr. Sweeney?

25 MR. SWEENEY: Yeah. I've -- excuse

1 in support of this application at this point.

2 CHAIRMAN FOOSE: Thank you.

3 John?

4 MR. KULAK: When I -- when I recall  
5 all of the meetings we've had and all of the  
6 testimony, the board has been insistent on the  
7 safety of this site, the safety that -- the risk  
8 that it might present to the township.

9 And we've worked very closely with the  
10 applicant to create as safe a plan as we possibly  
11 can at the same time preserving the residential  
12 integrity of Morgan Lane by eliminating access onto  
13 Morgan Lane and still providing access to the  
14 Starbucks, creating a room for the queue that would,  
15 we hope, prevent it at all from overflowing in any  
16 direction and just maintaining the queue within the  
17 site, itself.

18 And I think both the applicant and the  
19 board have worked together to accomplish that. So I  
20 too would be in support of this application.

21 CHAIRMAN FOOSE: Thank you.

22 Mr. Gayeski?

23 MR. GAYESKI: So, yeah, I do believe  
24 you've met the criteria for the property. And  
25 you've definitely made it as safe as it possibly can

1 me. I've got a couple of hang-ups on the  
2 application.

3 One is the drive-through of the proposal. This is  
4 -- a drive-through is expressly prohibited in the  
5 ordinance.

6 In fact, it's one of the very few uses  
7 that are expressly prohibited in the ordinance  
8 anywhere in Bridgewater. I don't think Bridgewater  
9 needs a drive-through restaurant.

10 And I think that the difficulty the  
11 applicant has had coming up with a plan that they  
12 tell us is going to work is symptomatic of the fact  
13 that it's just -- you know, this site doesn't belong  
14 here. It's got too much traffic going in and out.  
15 I'm sitting here looking at it. I'm confused. I  
16 don't know how the hell you get in and out of this  
17 site. I really don't.

18 And if you're going to tell me that  
19 there's not going to be any traffic leaking onto  
20 Morgan Lane, you're crazy. Of course there's going  
21 to be traffic that flows onto Morgan Lane.

22 No. I'm opposed to the application  
23 and will vote against it.

24 CHAIRMAN FOOSE: Thank you.

25 Mr. Fresco?

1 MR. FRESCO: You know, the first  
2 meeting I said, you know, how much I love this town  
3 and blah, blah, blah. I always say that.

4 But, you know, I said if we're going  
5 to build it, Bridgewater should have the best.  
6 That's what I said. If you're going to build this  
7 thing, make sure Bridgewater has the best.

8 And I echo a little bit of what, you  
9 know, what you're saying.

10 But I think looking at it, it's  
11 daunting. You know, it is scary looking. And I am  
12 a little bit afraid.

13 But I also think that a lot of work  
14 has gone into it. A lot of planning has gone into  
15 it. I like the landscaping of it. And I think when  
16 it all comes together, I really do think we're going  
17 to not only have the best Starbucks drive-through --  
18 because it really is a drive-through. This isn't  
19 really a Starbucks restaurant at this point.

20 I mean, look at it. It really is. I  
21 think you will have the best. And I think we'll  
22 have the safest, which is not what I said  
23 originally. So I think I can add to that.

24 And I think you guys have done an  
25 outstanding job. I really do.

1 And, you know, all the things that  
2 everybody said at all the meetings, I think a lot of  
3 credit goes to Henry. I've never felt like we've  
4 had an attorney in front of us -- and I haven't been  
5 on the board 15 years. I don't know what it is now.  
6 It's probably five -- five or so.

7 But I thought he was super  
8 understanding, did a good job of keeping us calm and  
9 saying, okay, I'll take care of it. And to your  
10 team.

11 And ultimately the last thing is that  
12 as a businessman, and you own this land, you have a  
13 right to develop it.

14 And I think you're going to be very  
15 successful here. And I wish you the best of luck.  
16 I do support it.

17 CHAIRMAN FOOSE: Thanks.

18 Mr. Vescio down there?

19 MR. VESCIO: I think the board asked a  
20 lot of questions about Morgan Lane. We were very  
21 concerned about the traffic. We went through a lot  
22 of iterations.

23 I think the applicant acted in good  
24 faith and did listen to the board seriously and made  
25 changes to address our questions, especially the

1 latest changes.

2 I do believe the traffic patterns  
3 appear to be a little bit more clear than they were  
4 before. There's less choice in terms of going left  
5 or right, right turn, left turn only.

6 So I do feel that we have mitigated  
7 the safety risks to an acceptable level. There's  
8 still going to be risks.

9 With everything there's always a risk.  
10 But I think the application -- the applicant has  
11 mitigated safety to an acceptable level.

12 My last comment here is regarding the  
13 outdoor seating. I might be in the minority on this  
14 board. But, you know, I actually did like the  
15 outdoor seating. Try to bring life to the outside,  
16 activate the environment, you know, get people to  
17 slow down, get out of their cars, you know, have a  
18 coffee with a muffin, you know, before their way to  
19 work.

20 So I actually think that is, you know,  
21 a detriment to this application. I actually would  
22 have wanted to see that.

23 But understanding the traffic and  
24 safety really trumps all, you know, I'm okay with  
25 moving forward with this application as is.

1 That's all I have to say. Thanks.

2 CHAIRMAN FOOSE: Thank you very much.  
3 I'm going to read this into the record only because  
4 it does sound like it's not a unanimous affirmative  
5 vote. And let me just read it. And I'll be quick.

6 Over the past year through six  
7 hearings and extensive testimony, the application by  
8 Bridgewater Realty II, LLC to construct a Starbucks  
9 location along U.S. Highway 22 has undergone  
10 significant evolution.

11 I wish to commend Mr. Kent Smith and  
12 his team for their substantial good faith efforts to  
13 address the board's concerns, particularly with our  
14 top priority, safety.

15 The applicant has presented various  
16 witnesses, with some of them demonstrating greater  
17 reliability and credibility than others, and their  
18 willingness to adapt has been greatly appreciated.

19 However, we cannot ignore the stark  
20 reality of Route 22. From Branchburg to its  
21 terminus at Newark Route 9, this highway remains an  
22 unmitigated disaster. While the Bridgewater  
23 corridor boasts an aesthetically pleasing landscape,  
24 thanks in no small part to this board, its inherent  
25 safety challenges persist on both east and westbound

1 sections. These issues are not theoretical. They  
2 are a daily concern for our residents.

3 At our last meeting on March 11, 2025,  
4 Elizabeth Dolan, a state licensed traffic engineer  
5 from Dolan & Dean Consulting Engineers in  
6 Somerville, provided critical testimony.

7 She confirmed that this project, along  
8 with its Traffic Impact Studies, has been reviewed  
9 and approved by both State DOT and Somerset County  
10 officials. Her analysis was distilled into levels  
11 of the service graded from A to F.

12 She concluded an acceptable overall  
13 level of service existed. Notably, she addressed  
14 the merge of traffic from Morgan Lane across Route  
15 22 to 287 southbound, stating unequivocally:

16 "There will be no detrimental impact  
17 on the adjoining road system."

18 Furthermore, she asserted: "I do not  
19 see a drive-through queue ever reaching Morgan Lane  
20 or Route 22."

21 This testimony given under oath  
22 carries significant weight.

23 Personally, as much as I may want to  
24 vote against this application due to persistent  
25 safety hazards along Route 22, I must consider the

1 broader implications for Bridgewater.

2 For this board to defend a potentially  
3 a very costly and un-winnable lawsuit from this  
4 applicant who has diligently mitigated every single  
5 concern raised over the last six meetings is not in  
6 our residents' best interest.

7 This applicant's commitment, supported  
8 by Ms. Dolan's testimony, demonstrates a reasonable  
9 effort to ensure both safety for customers and the  
10 Morgan Lane community.

11 I want to acknowledge the intent  
12 behind prohibiting the drive-through use in this  
13 zone, which is to prevent unsafe conditions like  
14 those observed in the Somerville Dunkin' Donuts  
15 where the drive-through queues regularly overflow  
16 into the highway. I believe the applicant has taken  
17 every feasible step to mitigate this risk.

18 While safety remains our top priority,  
19 the applicant's compliance with State and County  
20 reviews coupled with the potential legal and  
21 financial burden to Bridgewater residents with a  
22 denial guides my vote to be a yes with the strict  
23 conditions from Mr. Tobia.

24 So that's it.

25 I will -- Rich, if you want to take us

1 through any last-minute housekeeping, we'll open it  
2 up to a vote.

3 MR. OLLER: Do you want me to run down  
4 the conditions again?

5 CHAIRMAN FOOSE: Why don't we do that.  
6 There's some potential --

7 MR. OLLER: I think we have issues.  
8 There's a lot of conditions on this application.  
9 Okay, in no particular order.

10 The existing driveway to Route 22 --  
11 to and from Route 22 will be removed from the plan  
12 and will be closed.

13 The primary access to the site was  
14 shifted to the Stone Tavern driveway along Route 22.

15 The applicant accordingly will add a  
16 Starbucks panel to the sign at that location in  
17 order to encourage access at that location.

18 The Morgan Drive driveway is shown to  
19 be used as a secondary entrance to Starbucks.

20 The canopy on the west side of the  
21 building will be removed.

22 The applicant shall maintain the  
23 stormwater management system and provide annual  
24 stormwater management reports.

25 I guess, Bill, you want those, right?

1 They would go to you?

2 MR. BURR: Yes.

3 MR. OLLER: The stormwater reports.

4 MR. BURR: Yes.

5 MR. OLLER: Deliveries will take place  
6 between 6 p.m. and 5 a.m. Delivery trucks will only  
7 use Route 22. Construction vehicles shall only use  
8 route -- the Route 22 entrance.

9 And the entrance at Morgan Lane shall  
10 be closed during construction.

11 With respect to interior security  
12 lights, the interior security lights will be -- I'm  
13 sorry -- only use the interior security lights when  
14 the store is closed.

15 And I think we need a little  
16 discussion on security lighting because it was not  
17 clear. I guess we're having no security lights in  
18 the parking lot, is that right? Is that the  
19 proposal?

20 MR. STOLZ: Give me one second to  
21 confirm.

22 Do you remember?

23 MR. OLLER: While you're -- while  
24 you're looking at that, I'll just keep going because  
25 I had other lighting.

1 So parking lot lights will be turned  
2 off within one hour after closing and not turned on  
3 until 30 minutes prior to opening.

4 The applicant will comply with the  
5 fire department review letter.

6 Oh, there was an emergency light at  
7 the rear service door. That will be eliminated and  
8 instead it will be mounted in the overhead canopy.

9 There will be no drop-down curtain on  
10 the outdoor seating area.

11 Title 39 jurisdiction will be granted  
12 by the applicant for the Starbucks property.

13 The applicant will provide for the use  
14 of off-duty police patrols for Morgan Lane for up to  
15 30 days as needed following the store opening to  
16 enforce traffic patterns.

17 Reduce directional signs. Directional  
18 signs have already been reduced to 3 square feet, in  
19 compliance with the ordinance. And that's on the  
20 plan already. No? Okay.

21 So it will be.

22 MR. TOBIA: It has to be revised.

23 MR. OLLER: It will be. The applicant  
24 will submit requests to Google and Waze in an  
25 attempt to ensure that navigational instructions

1 notice of such to the township police department,  
2 and will also provide an annual report to the  
3 township engineer.

4 The applicant will provide a  
5 construction phasing plan with respect to  
6 construction of the entire site.

7 They're provide a business operational  
8 manual. Is that what you're looking for, Bill, with  
9 compliance, as well as an O&M manual for stormwater?

10 MR. BURR: Stormwater O&M manual and  
11 then the traffic queuing site operational  
12 drive-through management, however we want to call  
13 it. Drive-through management is probably the best.

14 MR. OLLER: And the menu boards will  
15 be turned off when the business closes.

16 And then, Katherine, I missed the part  
17 you talked about the number of signs.

18 Were you attaching the number of signs  
19 to the entire site or just the Starbucks site? The  
20 number of signs limitation.

21 MS. SARMAD: For Starbucks site, I  
22 believe.

23 MR. OLLER: Starbucks. And that's all  
24 I had.

25 CHAIRMAN FOOSE: Thank you, Rich.

1 direct Starbucks visitors to the Stone Tavern  
2 driveway along Route 22.

3 The applicant will increase the font  
4 size and on Route 22 directional signs to 5 inches.

5 Okay. We talked about this but I  
6 wasn't sure if this was going to be a condition.  
7 You were adding a no right turn sign at the Morgan  
8 Lane exit, and we talked about it being illuminated.  
9 So just discussion for the board, if that were an  
10 illuminated sign or just a regular no right turn  
11 sign at Morgan Lane.

12 CHAIRMAN FOOSE: I don't remember  
13 that.

14 MR. BURR: I don't remember there  
15 being a discussion about it being illuminated.

16 MR. OLLER: There was a couple  
17 comments about it being illuminated. I didn't think  
18 it was a condition. I thought it was just a no  
19 right turn sign.

20 MR. BURR: I agree with that.

21 MR. OLLER: The zoning chart needs to  
22 be updated to include the setback to the rear  
23 canopy.

24 In the event of any vehicle stacking  
25 onto Route 22, the applicant shall promptly provide

1 All right. Based on the conditions  
2 and the stipulations, I'll open to motions to  
3 approve or deny.

4 MR. GAYESKI: I move to approval.

5 CHAIRMAN FOOSE: Do we have a second  
6 to approve?

7 MR. FRESCO: I'll second.

8 CHAIRMAN FOOSE: Mr. Fresco.  
9 If we can get a roll call vote,  
10 please.

11 MS. DeSIMONE: Mr. Weidell?

12 VICE-CHAIRMAN WEIDELI: Yes.

13 MS. DeSIMONE: Mr. Sweeney?

14 MR. SWEENEY: No.

15 MS. DeSIMONE: Mrs. Amin?

16 MS. AMIN: Yes.

17 MS. DeSIMONE: Mr. Fresco?

18 MR. FRESCO: Yes.

19 MS. DeSIMONE: Mr. Gayeski?

20 MR. GAYESKI: Yes.

21 MS. DeSIMONE: Mr. Kulak?

22 MR. KULAK: Yes.

23 MS. DeSIMONE: And Chairman Foose?

24 CHAIRMAN FOOSE: Yes. All right.  
25 Congratulations.

1 Good luck with construction.  
2 MR. STOLZ: Thank you for all your  
3 patience throughout this entire thing.

4 - - -  
5 (Whereupon, the application was  
6 concluded.)

7 - - -  
8 (Time noted, 8:36 p.m.)  
9 - - -

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1 CERTIFICATE

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  
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21  
22  
23  
24 /s/RONDA L. REINSTEIN  
25 -----

RONDA L. REINSTEIN, CCR No. 30X100217800





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