

**FREEHOLD BOROUGH PLANNING BOARD**  
**MINUTES OF MARCH 8, 2023**

**MONTHLY MEETING**

The monthly meeting of the Freehold Borough Planning Board was held on Wednesday, March 8, 2023 at 7:00 p.m. in the Council Room of the Municipal Building.

Chairman Barricelli stated that this meeting was provided in accordance with the Open Public Meeting Act, by providing a copy of the agenda to the official newspaper and posting same on the official bulletin board of the Municipal Building.

**ROLL CALL**

PRESENT	Mr. William Barricelli
ABSENT	Mr. Paul Ceppi
PRESENT	Mr. Michael McCabe
PRESENT	Mr. Michael Wildermuth
PRESENT	Ms. Shealyn M.S. Crombie
PRESENT	Ms. Caridad Argote-Freyre
ABSENT	Ms. Brianne Van Vorst
PRESENT	Councilwoman Margaret Rogers
PRESENT	Mr. Garry Jackson
PRESENT	Mr. James Keelan
PRESENT	Mayor Kevin A. Kane

**Mr. Barricelli read Item No. 3 on the Agenda as follows:**

Approval of Minutes from Planning Board Meeting February 8, 2023.

Mr. Wildermuth made a motion to approve the minutes; Ms. Argote-Freyre seconded

Yes	6	Barricelli, Wildermuth, Argote-Freyre, Councilwoman Rogers, Jackson and Mayor Kane
No	0	
Abstain	3	McCabe, Crombie and Keelan
Absent	2	Ceppi and Van Vorst

**Mr. Barricelli read Item No. 4 on the Agenda as follows:**

Memorialize Resolution for Jonathan Marshall Law Office, Application PB-UV-2022-009; Location, 82 Court Street / Block 37, Lot 1.02, Zone R-5; Request for Site Plan Approval with Variance Relief.

Councilwoman Rogers made a motion to approve; Mr. Jackson seconded;

Yes	7	Barricelli, McCabe, Wildermuth, Crombie, Councilwoman Rogers, Jackson and Mayor Kane
No	0	
Abstain	2	Argote-Freyre and Keelan
Absent	2	Ceppi and Van Vorst

Mr. Cucchiaro, Esq. – Mr. Chair the application tonight is a D Variance and the Mayor and Councilwoman are required to step down per the MLUL; you may want to go to #6 on the agenda before they step down - quick ordinance;

**Mr. Barricelli read Item No. 6 on the Agenda as follows:**

Review Ordinance #2023/9 to Amend and Supplement Title 18 “Zoning” of the Code of the Borough of Freehold. Will you give us a quick background;

Mr. Cucchiaro, Esq. – Ordinance 2023/9 does two things; one, permits applicants who are deficient in on-site parking to identify offsite parking that would satisfy the parking requirement by providing a lease or agreement to address satisfaction parking; also increases the parking contribution to the parking fund for not having sufficient parking spaces to \$1,500.00 per parking space;

Mr. Barricelli – Councilwoman will you provide any information from Council;

Councilwoman Rogers – we have some new businesses downtown and have identified offsite parking areas with agreements and the parking is quite a distance from the location of the businesses; people are not using the alternate parking; so we felt it necessary to restrain it a little, to have the parking closer to where the businesses are and also increase the penalty of not having sufficient parking;

Mr. Barricelli – the went from \$100.00 to \$1,500.00;

Councilwoman Rogers – don’t remember what the fee is;

Mr. Cucchiaro – there is a maximum contribution of \$5,000.00 and they took that out, now there will not be a maximum; it will be \$1,500.00 per deficient space and does not cap out;

Ms. Argote-Freyre – this is for existing and new;

Mr. Cucchiaro – no, new businesses; there will be a public hearing on this before the governing body; all we are doing tonight is determining whether it is substantially consistent with the master plan; the master plan doesn’t prohibit what is proposed, it seeks out creative and efficient identification parking spaces and doesn’t speak to contribution one way or the other; from a legal perspective, I think it is substantially consistent;

Mr. Barricelli – I disagree, recent full page article how many cities are considering dropping ordinances requiring parking; open more space for apartments, taking the blacktop; anyone else or a motion;

Mr. Wildermuth made a motion to approve; Mr. McCabe seconded;

Yes	9	Barricelli, McCabe, Wildermuth, Crombie, Argote-Freyre, Councilwoman Rogers, Jackson, Keelan and Mayor Kane
No	0	
Abstain	0	
Absent	2	Ceppi and Van Vorst

**Mr. Barricelli read Item No. 5 on the Agenda as follows:**

Application PB-UV-2022-011, 146 Freehold LLC, location 146 Park Avenue, Block 103 Lot 15, Zone B-1, request for Use Variance with Preliminary and Final Site Plan

Mr. Cucchiaro, Esq. – Councilwoman and Mayor are required to step down as this is a Use Variance application and per the MLUL they may not vote;

Peter Licata, Esq. – representing the applicant – here tonight to discuss the conversion of a now vacant bank with three drive through lanes and convert to Starbucks Coffee shop with two drive through lanes; Reduction in impervious coverage, 84% existing down to 75%, also proposing landscape improvements to the property and reduction of the type of turning movements permitted currently on Route 33; I have a few witness for tonight; first is Eric Suissa, store development manager, Matthew Sharo, project engineer, Nicholas Verderese, traffic engineer and McKinley Mertz, professional planner; member of architect team, John Dahl to testify if needed;

Mr. Barricelli – address the public on how the meeting will proceed and when they are able to comment and ask questions;

Eric Suissa – sworn in; MBA – American University 2003, small business owner, mixed use/commercial and with Starbucks six (6) years as Store Development Mgr.; see over territory of 120 stores, look for new locations and how to better existing locations; work with extensive teams, design teams, construction teams and work with headquarters in Seattle;

Mr. Licata – they do research, habits of customers, preference of drive through, walk in and stay in store for “office” use or mobile app; in your words explain to the board how this store will work in terms of hours, days of operation, customer flow;

Mr. Suissa – open seven (7) days a week, busiest hours 7am – 10am, currently in this region, peak hours 50%/55% at drive-thru, 35% app order and remainder are customers that like to sit and stay;

Mr. Licata – how many employees;

Mr. Suissa – 20-25 employees; three shifts throughout the day; 8 is maximum on a shift;

Mr. Licata – volume of customers during peak hours;

Mr. Suissa – in this region, is about 90/95 in an hour during peak;

Mr. Licata – do you see a change on weekends, is there a double peak;

Mr. Suissa – peak is about an hour later, drops off later in afternoon and evening; no double peak;

Mr. Licata – deliveries for inventory/supplies, how does typically occur;

Mr. Suissa – depends on need of store; box trucks deliveries, have their own keys; usually toward end of working day, drop off and go;

Mr. Licata – many stores are in strip centers, this store is stand alone with residential nearby and commercial businesses, would you plan to schedule deliveries to occur within operating hours not to disturb neighbors;

Mr. Suissa – we can accommodate to meet the needs of the area;

Mr. Licata – explain how refuse pick up will work;

Mr. Suissa – similar to the deliveries;

Mr. Licata – for the record the applicant is the owner of the property that you have entered into a conditional lease to be the tenant; you are working with the land owner to make sure the logistics are properly managed;

Mr. Suissa – correct;

Mr. Barricelli – what are the hours of operation;

Mr. Suissa – 6am to 9pm – weekdays and 6am to 8ish weekends; depends usually based on sales; if a heavy commuter area then maybe earlier but this does not seem like that will be in this location;

Mr. Cucchiaro – this is a D variance application, meaning it is not permitted so you must be specific;

Mr. Suissa – if it needs to be 6am it will be;

Mr. Barricelli – any questions – board members;

Mr. Wildermuth – generally with a store this size, how many different vendors do you have;

Mr. Suissa – for deliveries, I believe they all come in one delivery; I will confirm; operation side is different;

Mr. Wildermuth – how often will have deliveries;

Mr. Suissa – five days, weekly;

Ms. Argote-Freyre – including weekends or only week days;

Mr. Suissa – that is predicated on the sales from the store; could be a delivery on the weekend with deliveries 5 days weekly;

Mr. Keelan – 90/95 customer per hour, is that anticipated for this store or is that an average store;

Mr. Suissa – that applies to this location;

Mr. Licata – that is for peak hours, not every hour;

Mr. Suissa – correct, during peak hours;

Mr. Cucchiaro, Esq. – do you have sit down at this location;

Mr. Suissa – yes, typically around 30 seats;

Mr. Wildermuth – how often do you anticipate having trash pick-up;

Mr. Suissa – usually twice weekly, I can confirm;

Mr. Barricelli – any public members with questions for Mr. Suissa;

Cindy Kresky, 410 Park Avenue directly across from this location; did you say average is 95 people in an hour;

Mr. Suissa – peak hours, 7am – 10 am;

Marlene Kelsey – 144 South Street, my property is next door to this location; you said some of the Starbucks have different hours; is there any way they can adjust the hours for this Starbucks;

Mr. Suissa – understand the concerned, we have minimum hours to operate and can't really change the hours to much; we can reevaluate down the road; this is a company owned Starbucks, operation; almost all Starbucks are company owned and operated, not franchise;

Mr. Licata – although corporate decision do I hear you say that you can evaluate based on the what is happening at the store and the corporation will make the decision;

Mr. Suissa – correct;

Mr. Cucchiaro, Esq., - Mr. Licata, not right now but before the end of the hearing, I have heard variations of the hours, so for the resolution I need something concrete;

Mr. Licata – understood; for the record you testified hours are 6am to 9pm weekdays;

Mr. Suissa – I will confirm hours;

Ms. Kresky – why decision made to put Starbucks in that location, very busy intersection, small town America, County Seat; curious why here;

Mr. Suissa – it is based on customer demand, where are other locations are, we look at demographics, traffic and available space and see what is a good fit;

Mr. Cucchiaro, Esq. – the planner will testify what this location, providing the positive and negative criteria;

Mr. Barricelli – any other public;

Mr. Jackson – motion to close public questions; Mr. Wildermuth seconded;

Yes	7	Barricelli, McCabe, Wildermuth, Crombie, Argote-Freyre, Jackson and Keelan
No	0	
Abstain	0	
Absent	2	Ceppi and Van Vorst

Matthew Sharo –sworn in; have not testified here but in several surrounding towns; licensed professional engineer, six (6) six years;

A-1 – aerial map exhibit – dated March 8, 2023

A-2 – aerial map exhibit zoomed in – dated March 8, 2023

A-3 – photo board existing site conditions – dated March 8, 2023 and October 14, 2022

A-4 – aerial overlay design with color rendering – dated March 8, 2023

A-5 – site plan color rendering – dated March 8, 2023

A-1 – aerial map exhibit – showing existing conditions, sheet 2 of the site plan part of application; adding color to zone lines and 200 ft. property owner list; location is 146 South Street, Rt. 79 zoned B-1, office commercial zone; Block 103, Lot 15, north west corner of South and Park Avenue – both are DOT roadways; currently is approximately 3,715 sq. feet in size; includes a three lane drive-thru and 22 parking spaces; surrounding uses, north is residential, east is commercial uses and RT 79 (South Street), south is animal hospital and Rt. 33 (Park Avenue) and west is residential dwelling;

A-2 – zoomed version of A-1; full moving access from South Street and full movement access from Park Avenue; 3,715 sq. ft. with overhand of lanes drive-thru; images different angles of property over past 6 months including today;

A-3 – photos of existing location;

Proposing 2,674 sq. ft. Starbucks with double drive-thru up to 14 vehicles and 22 parking spaces; reducing the size of the square footage; existing building remain the same, drive-thru in same location and access points will remain and modifying the access on Park Avenue;

A-5 – colorized version of site plan located in your package, added the landscaping; proposing a 2,674 sq. ft. building, reduction in building size; outside awning will remain the same; we are reducing walls from the South Street side and rear of the property to create smaller area for what is typical of Starbucks; that will become outside seating area for patrons; access to the site will remain in the same locations; South Street access is a full movement access and maintaining full movement; we are recreating the drive apron to DOT standards; access from Park Avenue is currently full movement access, right in, right out, left in, left out; we are changing to right in only, only an ingress from the right that will eliminate traffic on Park Avenue; traffic engineer will give more information and detail;

Parking on site will be similar as what is there today; 13 parking spaces remaining as they are today, 11 along parking along South and 2 spaces along Park Avenue; we are proposing a total of 22 parking spaces, existing 13 plus 9 new in the rear; one is ADA stall; one on Park Avenue will be an EV (Electric Vehicle) stall; state statutes one stall; comment from Board Engineer regarding last stall being stripped, reason we stripped, allows turn around if all parking stalls are taken; drive isle, two way along South Street and rear of property; drive-thru has two 12 foot drive isles and narrows down to one single drive isle to along drive-up window; exit to South Street;

Loading, no specific area; the intent of the large blue stripped area at the ADA stall, is larger than needed, we envision the box trucks using that area to load, has a ramp located right at the loading door;

Mr. Cucchiaro Esq., - when the truck is delivering it is not taking up the ADA stall?

Mr. Sharo – no it is not, using the oversized blue stripping area;

Mr. Licata – dimensions of stripped area, to better understand;

Mr. Sharo – 21 feet in width; also the trash location is in the northwest corner of site, 10x20 ft enclosure with walls;

Mr. Maltese – board engineer; original submission had the trash enclosure closer to South Street, a front yard setback and was a variance; asking them to move it to the rear, takes the variance away and better placement;

Mr. Sharo – bulk requirements, we meet all requirements except one in the beginning, existing coverage variance that is 84.3%, we are reducing to 75.2%, 2700 sq. ft. reduction of impervious coverage; still need bulk requirement, just reducing;

Lighting, proposing 4 parking area, 18 ft. in height, lighting drive ways and parking; board engineer requested in review to reduce lighting to property line with zero foot candles;

Landscaping, existing along Park Ave will remain as well as low shrubs along South Street; along rear and side we are adding approximately 85 new trees and shrubs along; the existing holly trees will remain and landscaping along west side; reduction with impervious coverage we are bringing in the property line;

Comments from board engineer we will comply; adding a six foot high white vinyl fence along six parking stalls along north property to act as a screen; additional arborvitae trees along the northwest corner along the property line for additional screening;

Mr. Licata – you mentioned reduction of impervious coverage, can you advise where it is being removed and what is being inserted;

Mr. Sharo - Along Park Avenue there are four parking spaces, removing two and installing a shade tree along Park Avenue; along the rear of property, currently pavement goes to the curb line today as you enter from South Street; the right and left of the six parking stalls, we are making it all landscaping;

Mr. Licata – the border line to the north is one of residential;

Mr. Sharo – correct; along the west of the property the as mentioned the existing trees remain, we will line the curb line with low level shrubs to help screen low level missing areas along drive through;

Mr. Licata – the drive isle past the west side of building where corner of Park Avenue, will any landscape supplement to prevent headlights;

Mr. Sharo – we will bring low level shrubs up to Park Avenue along curb line to help block headlights coming around;

Mr. Licata – landscape on both sides of entrance ways;

Mr. Sharo – comment from board engineer, between the two drive isles in the back, low level planting bed between two drive-thru;

Storm water – we are reducing impervious coverage, so reducing storm water and creating better situation; drainage patten will remain the same and tying into DOT system;

Utility – no new utilities all existing remain;

Mr. Maltese – condition of any approval the board gives we require all piping to be replaced;

Mr. Sharo – ok, we will show existing sanitary lateral and we will investigate all existing utilities to make sure all proper functioning and services are sized properly;

Mr. Cucchiaro, Esq. – Mr. Sharo, the 22 parking spaces you mentioned, one is EV, there are 22 spaces there is a credit for 23;

Mr. Sharo – correct; the requirement is only 14;

Mr. Sharo – signage, the plans currently show ID signs at Park and South which we are eliminating; we are not proposing any drive entry signs, you can take them off plans and eliminate the variance; there are three locations of façade signs, first location on the southeast corner of the building, I have elevations, we can mark for exhibits;

A-6 – Architectural exterior elevations (south and north) prepared by Excel dated January 16, 2023

A-7 – Architectural exterior elevations (west and east) prepared by Excel dated January 16, 2023

A-8 – Architectural exterior elevations (three dimensional perspective) prepared by Excel dated January 16, 2023;

A-6 As you see architectural stays the same, only moving those few walls in; different façade and treatments that what is there today; south elevation, pick up window and one of the signs, typical Starbucks sign, 78.5 sq. ft.; below is the north elevation, toward building, showing wall that will be taken in a bit; one sign typical logo with drive-thru arrow pointing;

A-7 typical signage, 78.5 sq. ft. with logo showing logo with drive-thru that is 6.96 sq. ft.;

A-8 perspective views, different angles of project; top left where trash enclosure is now, top right looking from South Street entrance and bottom right is looking from other side of South Street entrance;

Mr. Maltese – one variance is for illuminating the signage, what are the times for that;

Mr. Sharo – I will need to confirm with Starbucks; also all variances with signage, two are permitted, there are five, but the Starbucks sign and logo are presented as one sign; the material permitted is wood or sign foam and these are aluminum signs, size 6 sq. ft. permitted and these are 78.5 and 6.96, illumination is internal, where no illumination permitted, we are asking for those variances;

Menu boards, not sure if considered signs, there are two and each is 27.5 sq. ft.; they are 3.5 ft. in height and 7ft. 10 in in width; we will comply with everything except for leaving the stripping by the ADA which is needed; that is all;

Mr. Barricelli – any questions from the board;

Ms. Argote-Freyre – signage, 3ft in height and 7ft. wide;

Mr. Sharo – correct, actual sign is 3ft.;

Ms. Argote-Freyre – you mentioned fence along the northern border, is there anything there now;

Mr. Sharo – wood fence there now; adding a six foot along keeping any landscaping and adding which will add as additional buffer/screening/noise buffer;



Mr. Wildermuth – sign illumination, requesting a variance for signage; plans that show signs, the renderings are showing them how – one is showing from Park Avenue and pick up window is and drive isle; how high are the signs;

Mr. Sharo – about 17 ft. high;

Mr. Wildermuth – how are they illuminated;

Mr. Sharo – internal illumination, plastic piece lit behind the sign;

Mr. Barricelli – is there light there now;

Mr. Sharo – all removed, may have had;

Mr. Licata – the planner will show a side by side of what the former bank was and what is proposed;

Mr. Wildermuth – I have concerns about the lumens from the signs with higher elevations, over the fences and residential property next door; that is my concern;

Mr. Licata – understood; we will get information on timing of lighting;

Mr. Barricelli – will you please review again the entrance and exit on Park and South;

Mr. Sharo – along South Street, existing drive is being reconstructed to meet DOT standards and will be a full movement drive; right in right out and left in left out from South Street and that is existing now; along Park Avenue, same location, changing full movement drive to a right in right out drive only; cars traveling west bound on Park Avenue are the only cars that can access the drive on Park Avenue;

Mr. Cucchiaro Esq., - signage will there be any spillage;

Mr. Sharo – not from the signs and we agreed to illuminate to the property lines with zero illumination from the foot candles;

Mr. Maltese – truck circulation, will enter from South Street, will there be signage with ‘No Trucks Allowed’ on Park Avenue side;

Mr. Sharo – everything controlled by Starbucks, they will know to use South Street;

Mr. Licata – if condition required you will comply;

Mr. Sharo – yes;

Mr. Barricelli – any more questions board;

Mr. McCabe – thoughts to shrinking patio size to reduce impervious coverage;

Mr. Sharo – no, we are not adding impervious coverage, we are moving a wall to create more exterior space for a larger covered patio, less internal space;

Mr. Licata – the applicant could add potted plants or something similar;

Mr. Maltese – you may need a truck turning analysis here, you don't want another truck getting caught up on Park Ave;

Mr. Sharo – sure;

Mr. Barricelli – public questions to the engineer;

Don Kelsey, 144 South Street; deliveries what type of truck;

Mr. Sharo – box truck;

Mr. Kelsey – signage will be where;

Mr. Sharo – top of building;

Mr. Jackson – what time do the lights go off;

Mr. Licata – we are getting confirmation;

Mr. Cucchiaro Esq., - limitation on box truck, if there is an approval tonight, is box truck specific enough or do I need to reference a wheel base number;

Mr. Sharo – SU 30 is the reference;

Marlene Kelsey, 144 South Street; fence you propose, we have a fence now and it stops at our shed; can you explain how the fence will be installed and will the new landscape you are proposing will it block the visual of entering and existing the driveway of our property;

Mr. Sharo – the fence will be in front of the parking stalls only; the landscaping will not be in the visual of the driveway, it will be below; no visual hindrance;

Ms. Kelsey – the trash enclosure is back here, you are moving into the parking lot more;

Mr. Sharo – we are moving it closer for accessibility, creating more green space;

Mr. Jackson – you mentioned you wanted to extend the fence;

Mr. Sharo – yes, we would like to extend along the northerly property line, we can go along the residential fence; if desired we can put the fence and the additional landscaping;

Mr. Jackson – would you find it helpful if they extended the fence all the way back;

Ms. Kelsey – I would think so, yes;

Mr. Maltese – I recommend if you do the fence, you end before the westerly property line; there is a drainage system there;

Mr. Barricelli – any further public comments; hearing none;

Mr. Jackson – motion to close public questions; Mr. Keelan seconded;

Yes	7	Barricelli, McCabe, Wildermuth, Crombie, Argote-Freyre, Jackson and Keelan
No	0	
Abstain	0	
Absent	2	Cepi and Van Vorst

Mr. Licata – I would like to bring back Mr. Suissa, he has spoken with necessary parties and can provide further answers;

Eric Suissa – signs on the building are on a timer of hours of operation, on when open, off when close; hours of operation will be 5:30am to 9pm and weekend 6am to 9pm; deliveries can be shifted to afternoon deliveries, same with trash; this location will be a 7 day delivery and can be the afternoon;

Mr. Keelan – 9pm is the latest and could be closed earlier if patters show;

Mr. Suissa – correct;

Mr. Licata – next witness; Nick Verderese

Nicholas Verderese, BS in Civil Engineering Rutgers Univ. 1990, licensed PE State of NJ principal founder of Dynamic Traffic 1904 Main St, Lake Como; appeared before this board and several others in Monmouth County;

Mr. Licata – describe what you have studied by way of traffic circulation and explain what conclusions you have drawn;

Mr. Verderese – prepared traffic impact study, both frontages are state highways so this project requires access permits from the DOT; the study meets all the standards of the DOT, submitted to DOT and received comments; essentially entailed traffic counts, during normal commuter peak hours, 7am – 9am, afternoon, 4:30pm - 630pm and midday on Saturday 11am - 2pm, completed in April 2022 and reviewed DOT data from 2017 and it showed higher volume that what we had; we grew our volume by 30% across the board to match the 2017 numbers; we are more than confident we are accurate, maybe conservative; generally from 2017-2018 to now are still slightly slower;

We want to identify how much traffic will be generated once a Starbucks; we used standard trip generation for the drive-thru lanes and did comparisons; this is not plopping a Starbucks on a piece of vacant property; a fully generated 3 lane drive-thru bank, we will have more traffic in the morning, however understand, the evening peak a bank generally generates more traffic than a Starbucks and Saturday midday, there is an increase as well;

If you have a change in use, change in size what type of volume, how much volume will show significance; that number has been set, 100 trips; 100 additional trips at an intersection or driveway location, those are the numbers the DOT will look at to study; we did study the driveways as well as South St. and Park Ave. because we are at the intersection; the board should understand we don't actually have an additional 100 trips, but it was requested to look at; it obviously has an impact on how this site operates, how the driveway operates, so we did look at and is part of the study; we identified the intersection, I am very familiar with the intersection and various activities of different times of the day; there are three we look at, critical, morning hour, afternoon / commuter hour and midday on Saturday, most congested, is the evening peak hours; that is good because that is when Starbucks sees a reduction in traffic; when you compare Starbucks to the previous use, handful of trips, it is not a huge reduction, not telling you there won't be traffic, it will be similar; the peak hours of Starbucks in the morning hours, more traffic, and slows down as the evening hours come creating less traffic, so it fits in with the

area; weekends are similar but the most traffic is 8am – noon and after that traffic starts to lessen; that is when traffic starts to pick up because other uses on Park Ave and in town are starting to pick up and begin their operations; we did identify some improvements with the traffic signal operation; signal works certain way base on the movement; we have requested changes during all three peak hours; we made a suggestion to DOT and they provided a confirmation letter and accepted; we are trying to help with the traffic;

Access – Matt Sharo spoke about changes; South Street remain the same, getting new apron, new crosswalk; we are thinking of bringing to the DOT a ‘Do Not Block The Box’ to the intersection; it would be a great place for one; they hatch, put up signage; the intent is to keep people from sitting in the middle; traffic during peak hours in south bound direction, if extends past driveway, if there is the ‘Do Not Block The Box’ it leave a gap in traffic and allows traffic to keep moving also allowing for an intentional curtesy gap; we don’t want someone sitting and waiting to turn in, holding up traffic behind them; we will suggest to DOT, they may not accept; Park Avenue, the drive isle is going to be made small, no left turn in, will have signage for no left turns; this will be a right in only; there are school children walking past site, shortening up the drive on Park Avenue makes it safer to cross;

On site circulation, 24 ft. isle widths meet industry standards, 18 parking stalls exceeding the ordinance, getting credit for 23 and only required 14; we have worked with many Starbucks sites and we are confident in this number of spaces, go to Howell site, it is difficult to navigate, only 10 / 12 spaces, only single lane drive-thru, peak hours blocks rear parking; this location drive-thru is pushed away from activity, not blocking front 11 spaces, anticipate 6 spaces at north will be used primarily by employees; prefer not to sign because there may not be all employees with a parking need, drop off, car pool, walk – don’t need to tie up for employees only may be needed for customers; there will be dual drive-thru, allowing to operate 20% to 30% faster because they can get 2 orders at a time, other benefit is the distance from the ordering of food and pickup of food; studies show the new layout offers a better service than single lane;

Another reason why this location was selected has good pedestrian connectivity, sidewalks to the nearby neighborhood; there will be outdoor seating, people can come, this will be a local coffee shop; this location will receive 60% of the already passing traffic; the bank would have only gotten 30% of the already passing traffic; that is a positive, not generating much new traffic; overall, site lays well to the intersection, drive isles are pushed back, good design with pedestrian connectivity, crosswalk, sidewalk and stripping; it fits well;

Mr. Barricelli – board questions;

Mr. Keelan – I avoid this intersection, I am concerned about the left from South; anything we can do to alleviate; are we concerned about the drive-thru backing up out to the street;

Mr. Verderese – not with new double drive-thru; no, there would be 20 plus at the drive-thru;

Mr. Keelan – no concern of people being able to exit and getting backed up in the parking area;

Mr. Verderese – no, we don’t anticipate; 90% of traffic in lot will be going north, turning right so it will not block anyone coming onto the property; if there was a different layout then maybe, this layout offers a smooth flow;

Mr. Licata – what is the distance from the pick up window and exit to street and the number of cars;

Mr. Verderese – about 9 or 10 cars; also this is why we are hoping DOT will put in a ‘Do Not Block The Box’ if approved we will bring to their attention in our response letter;

Mr. Maltese – is the DOT application still in process;

Mr. Verderese – yes, January we received review letter, nothing significant they approved the traffic study, driveway design, ask for signage;

Mr. Cucchiaro, Esq. – will you copy Anthony on your communication with the DOT;

Mr. Maltese – the north parking stalls, we would like to see 3 or 4 marked as employee parking only;

Mr. Verderese – we can mark the furthest in;

Mr. Wildermuth – any data your study found 7am – 10am hours, commuting pattern, road uses of Rts. 79 and 33, what do you anticipate used as majority access to the property; 50/50 – 75/25 what entrance do you see used more heavily;

Mr. Verderese – South Street entrance will have the highest volume, right turn in from South; generally people gravitate to right turns, easier; finding sites on their right side of their commute, which is why all coffee shops are on the north bound side of Rt. 9, morning commuters;

Mr. Barricelli – who would use the exit on Park Avenue;

Mr. Verderese – no exit, only right turn entrance only; all exit on South Street;

Ms. Argote-Freyre – how likely is it that you would get approval from DOT and what is the criteria used to allow for the ‘Do Not Block The Box’;

Mr. Verderese – one item that may be helpful, a letter from the Board Engineer endorsing and we could include in our letter of submission; criteria would be traffic during peak hours, que analysis, discussed and encouraged by the planning board;

Ms. Argote-Freyre – 7am – 10am peak hours, also more traffic in the area, there is a school not far, the Borough is a walking town, children walking, are there any safety concerns or something you might do to help with safety;

Mr. Verderese – DOT suggested we remove, we are requesting to keep – when you approach the drive from each direction, there is a detectable warning surface, little bumps red in color, identifies this is a walking area where cars are in the area; we are going to suggest to keep as a safety matter; in the past we have gotten them to agree;

Mr. Barricelli – any other board; public questions;

Ms. Kresky – my question is from the notice, the applicant also seeks a design waivers to permit a lack of a designated loading space and trash enclosure to be located in front of the building line; what does that mean;

Mr. Verderese – the trash enclosure was removed not seeking, the other is what Matt Sharo spoke about, we don’t have an exact loading zone, there is an area we are designating next to an ADA compliant space;

Ms. Kresky – I'm across the street from the drive-thru area, can that be slanted and the illuminated signage;

Mr. Verderese – it can't be slanted but Matt Sharo spoke about adding additional landscaping so help with the diversion of lights; the signs at the drive isle are removed; the building signs will go off and on a the close and open of business;

Ms. Kreskey – what about the tall parking lot lighting, where will they be;

Mr. Sharo – located in the parking lot – pointed out on the plan to resident;

Ms. Kreskey – will they be on all the time;

Mr. Sharo – yes, for safety reasons;

Ms. Kelsey – in / out on South, will they be able to make a left across traffic;

Mr. Verderese – yes;

Mr. Barricelli – any further public questions;

Mr. Wildermuth motion to close public questions; Mr. Jackson seconded;

Yes	7	Barricelli, McCabe, Wildermuth, Crombie, Argote-Freyre, Jackson and Keelan
No	0	
Abstain	0	
Absent	2	Ceppi and Van Vorst

Mr. Barricelli – break for 10 minutes; 9:00pm  
Back in session 9:12pm;

Mr. Licata – introduce next witness McKinley Mertz, Professional Planner, Heyer Gruel & Associates; MBA in City and Regional Planning from Rutgers and NJ PP and National ACIP Certification have presented in various towns in NJ and serve as the Board Planner for Zoning and Planning in Millstone and seven other Boards in NJ

Ms. Mertz - Handout – Exhibit mark as A-9 (consisting of 5 sheets)

Sheet 1 – Land Use and Zoning Map of our general area

Sheets 2-3 – Photos of site

Sheet 4 – Photos of surrounding commercial uses at the intersection

Sheet 5 – Images of proposed signage and signage from former bank

I visited the site formally, Feb. 2, 2023 and photos in packet are from that visit; I reviewed all documents presented here tonight by my colleagues and board engineers report and master plan documents; sheet 1 of A-9, shows property located northwest corner, South and Park Ave, across are other properties in red are commercial properties and all surrounded by a black box, zoned B-1 zone, office commercial use; going west is the residential zone, going east several more in commercial properties; additional properties in the B2-b zone and north are additional lots in B-1 zone; giving idea of area; in the area is a bridal store, dentist, bank and animal hospital; sheets 2 and 3, photos of existing

site, different angles; one images with north of property where new fencing will go, clean up moving the refuse containers closer in so it does not flow into neighbor's property; bringing in impervious coverage, offering more grass / landscape coverage on that side; photo showing neighbor across the street, traffic engineer testified that the curb cut on Park is almost 40ft and will be reduced to pulling in by half, additional landscaping making safer and more attractive; protecting pedestrians and more buffer for neighbors across the street; photo g, looking north, existing line of trees by residential neighbor and we will supplement to add for more buffer; sheet 4, photo of commercial neighbors, one of which is a bridal salon, a non-permitted use, retail is not permitted in this zone; B-1, bank was a permitted use, as other professional offices are; retail is not permitted and coffee shop is retail; reminder my role as planner is to talk to you about the D Variance, use variance, and why you should let us build here from the MLUL, positive and negative criteria, and there will not be a substantial detriment on the general welfare, your zoning plan and zoning ordinance;

First site suitability, this site is particularly suited for our use, we are a commercial use and site is maintaining commercial features; not moving to residential use or another use out of context; various commercial uses across South Street and Park Ave, we are at the west end of a long commercial corridor; drive-thru will continue and reduce from three lanes to two and pulling in the development a little bit from neighbors, helping with buffer; not same use as bank, we heavily rely on drive-thru to service customers; pandemic showed us how necessary drive-thru are, offering curtesy to people, there is a desire to use drive-thru, capitalizing on existing feature; we are reusing this building and site itself, more economic way of developing the site, rather than tear down and building; removing paving we don't need, adding green space, improving site while using what we can; modernizing entrances, drive isles, traffic flow and keeping core of site; this building and current configuration of site have been here since at least 1979; we will add signs for employee parking, north side; also bus line down Park Avenue, stops west at Park and Stillwells and could have employees taking bus transportation to work or another business; also surrounded by offices, work in an office may want a cup of coffee, not necessarily driving to get to our location; we are particularly suited here, to serve not only people coming for Starbucks, also the people around us, offices across the street, neighbors walking for coffee, sit outside and not have to drive into downtown;

If we were develop a permitted use, dance studio there would still be an impact on the site the way we have testified tonight; dance studios can be incredibly traffic pack at pick up and drop off; parents coming in, big impact on site; photo shoots on Saturdays, fund raising days, those also contribute to traffic; we feel we are particularly suited for the site; also will not be creating different impact than uses permitted;

As a planner sitting on nine different boards I have not seen a bank application in years; from planning perspective new things are not coming in, not building new buildings, banks are going completely digital; seeing more vacant banks; the buildings need to be adaptively reused or will be demolished and rebuilt; our proposal of reusing a bank vacant since 2019, about 4 years; other banks in the area have gone out as well; we will fill the bank for a productive use; chance of seeing a new bank at this location are slim to none;

Special reasons for granting this variance derived straight from purposes of zoning which are in the MLUL; categorized by letters; citing G, I and M;

Purpose G, to provide sufficient space and appropriate locations for a variety of uses, one of which being commercial; we are replacing an old commercial use, in a commercial corridor, in a commercial zone and we fit in the context of our surrounding including offices; also residential, we are going to serve both clientele;

Purpose I – to promote a desirable visual environment through creative development techniques and design; we are reusing the entire site, the building, improving everything about the site; from esthetics, drive way safety to circulation; and to encourage coordination to lessen the cost of development providing more efficient use of the land; A- guide a use of development that will promote the general welfare; meeting modern standards, safety, cleaning up the site, making improvements to not have a negative impact on the neighbors; bringing jobs to the area and eliminating a vacancy;

That is my testimony on the positive criteria; touch on the negative criteria;

This application will not cause a substantial detriment on the general welfare, zoning ordinance or the master plan; reviewed most recent 2019 master plan and previous master plans and all rely heavily on the purposes of the MLUL; the zoning ordinance does not really touch on drive thru, no requirements; there are few in the area and active; we feel maintaining the drive-thru is not detrimental to the zoning plan; finally we do not think a substantial detriment to the public good; we have listened to concerns tonight, have made adjustments on the spot, adding additional landscaping, extending the fence along the north side, spoke of increasing safety in the driveways for school kids to have a safe route; we feel there is no substantial detriment;

Mr. Licata – you say substantial detriment, can you talk specifically about what that means opposed to any impact or any possible detriment;

Ms. Mertz – the MLUL is clear, this criteria we must prove there is no substantial detriment; there are various impacts that any development coming in would have; a bank would have various impacts, vacant for four years, anything coming in will cause change at the site; we have to prove the impact on the community is not a substantial detriment, detrimental to the community; we are not causing harm to anyone with what we are doing; we are not bringing chemicals, odorous items;

The ‘C’ variances we require....

Mr. Cucchiaro – the ‘C’ variances are subsumed within a grant of a ‘D’ Variance because they apply only to the permitted uses in the zone; we’ll make the determinations with regard to overall D Variance;

Ms. Mertz – the negative criteria associated with that would be similar to what was previously said; I prepared a page 5 – A-9, regarding signage shows east elevations, 2019 Google Street view with Capital One logo still located here; are logo is tall and narrow, Capital One was short and long; illuminated, similar in size; very similar to prior use;

Board questions:

Mr. Wildermuth – what about fumes from drive-thru, close to dwelling, no substantial detriment;

Ms. Mertz – with additional landscaping and fencing will help; the landscaping will absorb the pollution in the air, we are working to offset the impact from cars; additional fencing help keep on our site;

Ms. Argote-Freyre – with additional use of water, will there be additional need for extended sewerage services;

Mr. Maltese – they testified they will investigate all utilities, sanitary water lines to make sure they are size properly for the operation; they will be required to make sure all is good for construction permits;

Mr. Barricelli – any public questions; hearing none;



Mr. Wildermuth – made a motion to close public questions; Mr. Jackson seconded;

Yes	7	Barricelli, McCabe, Wildermuth, Crombie, Argote-Freyre, Jackson and Keelan
No	0	
Abstain	0	
Absent	2	Ceppi and Van Vorst

Mr. Licata – no further witnesses tonight;

Mr. Wildermuth – questions for Mr. Suissa, looking a proximity with ordering kiosk and residential neighbors, what tends to be the volume, how far does the noise travel, how is it controlled;

Mr. Suissa – don't know decibels that is why we have additional fencing and landscaping to act as buffer; do not have exact answer;

Mr. Wildermuth – is it adjustable; the hours are expanded beyond a bank;

Mr. Suissa – I believe so; we will try to accommodate;

Mr. Licata – we will be bound by general noise statutes and ordinance and is not a nuisance to the neighbors; it will be like a bank tellers volume speaker;

Mr. Barricelli – any public members to make comments for this application;

Ms. Cindy Kresky – 410 Park Avenue - sworn in;

We live across the street from the proposed Starbucks, it is a walking district for children for school, I was very involved in the schools when my children were young; I see kids walking past every day, there is a lot of traffic at the intersection; there are accidents, it is a busy intersection at various time of day, busier in the morning and commuter hour and evening;; it is a concern that, we live in residential area, this is a commercial property but our street, it is residential part of town, not referred to as Rt. 33; I would like to stay that way, keep as much traffic off the road as possible; unusual choice for a commercial spot; I implore you to think about your decision and think about those that live here; thank you for letter me speak;

Mr. Barricelli – thank you for being patient; can I ask you, do you know by looking at the pictures on the table, H, who parks there;

Ms. Kresky – I have not sure, only hear rumors; think the cars were parked on Barkalow for a while;

Ms. Marlene Kelsey – 144 South Street – sworn in;

The other concern I have is we get a lot of fire trucks and ambulances going up and down South Street, having extra stoppage to pull in and out of Starbucks is going to cause more problems; South Street is only two lanes; the foot traffic on South Street, we have a lot of bikers, people travel by bike; how will a car know that a bike is coming down South Street, it is hard to see when we are pulling out of the driveway; I have back up camera, I can see; someone pulling out of Starbucks does not have a camera, people will zip out to make the light on the corner; those are my other concerns;

Mr. Barricelli – anyone else from the public? Hearing none;

Mr. Jackson made a motion to close public comments; Ms. Argote-Freyre seconded;

Yes	7	Barricelli, McCabe, Wildermuth, Crombie, Argote-Freyre, Jackson and Keelan
No	0	
Abstain	0	
Absent	2	Ceppi and Van Vorst

Mr. Licata – thank you Mr. Chair and board members for your time and consideration; we understand the neighbors’ concerns; we are at the edge of commercial district with residents around us; we have done our best to design the site which enhances the buffer to our neighbors by way of landscaping and fencing; we have proposed improvements to crosswalks to make compliant with modern standards; the engineer testified making more safe for pedestrians including school children; engineer also testified we are restricting turning movements on Park Avenue, therefor controlling that aspect of property; we will propose ‘Box Stripping’ to the NJDOT if approved tonight; we have also requested the change of timing to the traffic light which has not been adjust in many years; adaptive reuse, of an existing vacant building, a large measure; not changing the esthetic character of the site; keeping existing layout with drive-thru isle and parking arrangement which is conducive and suitable for the particular use; we request, we have shown to you, this will not have a substantially adverse impact on our neighbors; we are adaptively reusing a site that is particularly suited for our use; Mr. Vederese did testify our busiest time occurs when the intersections best as compared in peak periods a.m. and p.m.; as a result we propose this is an overall betterment without doing substantial harm to our neighbors or the zoning ordinance;

Mr. Barricelli – board deliberations;

Ms. Crombie – thank you for the comprehensive plan, love when the work is done; after hearing and seeing the evidence I find it is particularly suitable for many reasons; sustainable plan, open air seating, additionally to DOT to put in “Do Not Block The Box” that will be phenomenal for the intersection; as a B-1 zone, office and commercial, since Covid we have had to have more freedom from the office, ultimately Starbucks is an office, opening at 5:30/6 and Café 360 opens at 10/10:30am; this will give residents a place to work from home without being far;

Mr. Keelan – something is going in that spot; this is probably the best thing that will go there; something else may not be so friendly to the neighborhood or as adaptive to the neighborhood;

Ms. Argote-Freyre – what struck me, it has been vacant for four years; that is not good for the town; I agree something is going to go in there, Starbucks may be the best option; I certainly do think they have shown sensitivity to the concerns of homeowners have mentioned and the concerns that we have mentioned; we are all concerned with the traffic; to some degree I am going to place a lot of hope on the gentleman that did the traffic study; that the impact wont’ make the whole area worse; it may be that changing the time of the traffic light might make a difference; did not realize it was a possibility and it might improve traffic there; I have concerns of the left turn into the lot from South Street; overall I agree a lot with what was placed on the record, this is a similarly commercial use, less impervious coverage, surrounded by other commercial business; I think well pedestrian traffic too; I think it is great to have a Starbucks open that early, a lot of benefits to the town; think they will be a good neighbor;

Mr. Wildermuth – what weighed on me, listening to this application; in a B-1 borders up to residential properties; B-1 office / commercial is less intense usage than what is being proposed; office tend to keep hours of 9:00am – 5:00pm / 8:00am – 5:00pm; here we have 5:30am - 9pm; your talking about traffic going in and out, concerns about lighting, concerns about proximity of drive-thru and residential properties; but he applicants really had, good solutions to these problems; being accommodating with fencing, landscaping, timing of lights and lower on profile for no spillage to the neighboring properties; that really is excellent, in addition to all things that Cari and Jim expressed of positives of business

going in there; I have one lingering large concern of the left hand turn from South into the parking lot; going north on Rt. 79 and taking left into lot, a nightmare waiting to happen; agree with traffic engineer, not much new traffic, already traveling here but the cars now making the turn, you won't be able to get around them, narrow road; we should have a no left hand turn there; if you are traveling north on Rt. 79, go left at light and enter on park Ave; don't think they will put a box there; state highway putting a "Don't Block the Box" for parking lot entrance, I don't think feasible; very difficult to get them; I don't think a left hand turn should be allowed there, a sign should be put up No Left Hand Turn to go into that lot traveling north on Rt. 79;

Ms. Crombie – I hear what you are saying; as James said before I avoid that if I can; but the beauty of being a Starbucks and not something else is that if you don't want to make a left because it is not feasible, you won't, you'll go to the next one; it's not the only Starbucks;

Mr. Barricelli – you put together a great team and you did a great job; we all share the same concerns; when talking the concerns are parking and traffic based on those two criteria nothing would be done in this town and something will be done, as Jim said to this site; it will not stay an empty bank, just like Park Avenue and West Main, it is not going to stay an empty church, something will be done; the accommodating factors this team presented, every concern that was addressed by use tonight, and concerns addressed before by Anthony getting positive feedback; so I intend to vote for this application;

Mr. Cucchiaro, Esq. – if making the motion to approve it would be as presented tonight, a motion to grant Use Variance Relief with Preliminary and Final Site Plan approval;

Mr. Barricelli – a motion?

Ms. Crombie – made a motion to approve; Mr. McCabe seconded

Yes	6	Barricelli, McCabe, Crombie, Argote-Freyre, Jackson and Keelan
No	1	Wildermuth
Abstain	0	
Absent	2	Ceppi and Van Vorst

Mr. Licata – thank you;

Mr. Barricelli – Dominica do we have anything for the next meeting;

Ms. Napolitano – we have applications, not ready to be heard; waiting for completeness;

Mayor Kane – RFP's for redevelopment are going out; we will score what we get back;

Ms. Crombie – St. Patrick's Borough parade on Sunday, March 12;

Ms. Argote-Freyre made the motion to adjourn, Mr. Keelan seconded; All in favor – aye (all), nay (none);

Meeting adjourned at 10:07PM.

Respectfully submitted,

Dominica R. Napolitano