

BOARD OF ADJUSTMENT MINUTES
October 18, 2004

The regular meeting of the Board of Adjustment was held on Monday, October 18, 2004. Chairman Foster opened the meeting at 7:30 p.m. Members present were Mr. Biba, Ms Buchanan, Mr. Foster, Mr. Hagen, Mr. Negri and Mr. Pitney. Members absent were Mr. Berman, Mrs. Mulcahy and Mrs. Tafaro.

Also present were John T. Lynch, Esq., Board attorney; Robert Brightly, P.E., Ferriero Engineering, engineering consultant; and Carl Lindbloom, P.P. sitting for P. David Zimmerman, P.P., planning consultant.

1. Roll Call; Statement by Presiding Officer: Adequate Notice

Mr. Foster read the following notice:

Adequate notice of this meeting has been provided by including same in the annual notice copies of which were posted on the Municipal Bulletin Board on the main floor of the Municipal Building, mailed to The Bernardsville News and Courier-News and filed with the Municipal Clerk, on January 7, 2004 at 3:00 p.m.

2. Approval of Minutes

Mr. Pitney moved the approval of the draft minutes of October 4, 2004 and Mr. Negri seconded. The minutes were approved by voice vote.

3. Communications

Mr. Foster noted that the Board received copies of the October 2004 NJ Planner.

4. Vouchers

Ms Buchanan moved that the following vouchers be sent to the Council for payment from the escrow accounts: Ferriero Engineering: Far Hills Country Day School, Appl. #03-19, \$472.50 (escrow); Tarei, Appl. #03-23, \$315.00 (escrow); Oliveira, Appl. #04-09, \$525.00 (escrow); Somerset Hills Country Club, Appl. #04-10, \$577.50 (escrow); Verizon Wireless, Appl. #04-15, \$315.00 (escrow); Daibes Starbucks, Appl. #04-17, \$787.50 (escrow); and Bedrock Realty, Appl. #04-18, \$472.50 (escrow) for a total of \$3,465.00. Mr. Negri seconded. The roll call vote was:

Mr. Biba	yes	Mr. Hagen	yes
Ms Buchanan	yes	Mr. Negri	yes
Mr. Foster	yes	Mr. Pitney	yes

7. Resolutions

- A. #04-15 Verizon Wireless, 145 Morristown Road; Block 141, lot 1, C-1/R-3 Zones - Memorializing Resolution of Denial

This matter was held as the resolution was not ready.

8. Pending Applications

- A. #04-18 Bedrock Realty (Audi Motors), 15 Old Quarry Road; Block 100, lots 2.30 & 2.31, Industrial Zone - may be use variance - erect building for preparation of new automobiles

The notice to neighbors and in the newspaper was proper. After a short discussion with Robert Elkins, Esq., the applicants' attorney, this matter was held to November 1, 2004.

- A. #04-17 Daibes Starbucks, 37 Morristown Road; Block 125, lot 8, C-1 Zone - may be use variance - add to present building (old gas station) for fast food service/restaurant - parking

There was proper notice to the neighbors and in the newspaper. Lawrence Vastola, Esq. represented the applicants. He reviewed his file to make sure everyone had the same items. Gary Dean, P.E., the applicant's traffic engineer, was sworn by the court stenographer. He outlined his education and experience and was accepted as a witness.

Mr. Dean gave his presentation verbally explaining what he had found while doing the traffic survey. He described the area around the lot, the lot itself including the building and addition, the driveways, the sidewalk, the one-way traffic loop on-site, the loading area, the parking spaces, the handicap space, the spaces to be rented in the municipal lot, directional signs and the 'lollipop' sign. They will not be generating additional traffic during the 'peak' time of 7:00 a.m. to 9:00 a.m. since the majority (80% to 90%) of customers will be 'pass-by' traffic, about 55 to 60 cars. Mid-day and evening traffic to the shop is minimal. The predictions are based on studies of similar Dunkin' Donut Shops and the Institute of Transportation Engineers studies. After evaluating the circumstances of this stand-alone site, they feel customer demand is for 8 to 10 parking spaces because people are in and out fairly quickly. There may be walk-up business from people who park elsewhere.

Board members asked questions regarding Starbucks as a prime destination, back-up traffic, generating traffic, changing the one-way loop, "No Left Turn" signs, how the traffic survey was done, backing onto Rt. 202, the effect of an accident on Rt. 287, the

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possible future use of the lot with variances in place and the effect on Olcott Square.

Board members agreed they would like a traffic study by their own engineer.

Mr. Foster asked for questions from the public, no comments or opinions.

Charlotte Beeton, 8 Highview Avenue, asked if the delay at the light in Olcott Square was in the traffic study. Mr. Dean said no, only the traffic count. Asked if Starbucks is going to install a sign on Rt. 287, Mr. Dean said he did not know. The DOT says that such uses have to be within a certain distance of the highway interchange and he does not know if this site would qualify. As to doing a study of a similar Starbucks site, Mr. Dean said there are none - he did a study of similar Dunkin' Donuts shops. Starbucks as a destination will happen after the peak hour.

Peter Roselle, vice president of the Bernardsville Chamber of Commerce, said he works at 2 Morristown Road. The egress to his office is through the parking lot of the new library on Church Street. He asked if the traffic study looked at how long people sit on Church Street to exit onto Rt. 202 (the peak hour is when parents

are leaving the high school after dropping off their children). This site has not been used for 2-3 years while the number of students has increased. Mr. Dean said they did a count on Rt. 202. This is a growing town and there is an increase in traffic precisely why this use will work here. However, they will look at Church Street.

Robert Graham, 84-3 Dryden Road, asked if the handicap space could be placed to consider the turning radius, i.e., putting it further north. Mr. Dean said the handicap space has to be close to the front door.

Wayne Ballard, 46 Prospect Street, asked how often are traffic studies wrong, i.e., the anticipated impact is wrong, greater on the community than predicted. Mr. Dean said larger projects are easier to predict. This is a small site and harder to predict. Mr. Ballard asked if 90% of the customers are local people passing by, why is there need for a standing sign. Mr. Dean said besides identifying the site, the sign helps to indicate where the driveway apron is. Asked how many such signs are there along Rt. 202, Mr. Dean said innumerable. This was disputed.

William Kneser, 61 Washington Avenue, asked about the peak hour percentage of customers. Mr. Dean said 80% to 90% of those customers will be passing by. Mr. Kneser asked about whether there was planning regarding pedestrian traffic (particularly from the high school) crossing the street. Mr. Dean said no. Mr. Kneser asked several questions about pedestrians coming to the shop, including those from the high school and those who may park in the (then) empty lots (banks, library). Mr. Dean said there is safe vehicle parking, safe pedestrian walkways and enough staff will be provided.

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There was a discussion concerning 'satellite' parking, cars waiting for vehicles to leave Starbucks, how pedestrians might influence the use and whether these would change the 'self-limiting' situation caused by the small number of parking spaces.

Brenda Curnin, manager of Bernardsville Center, asked why wasn't the traffic study based on an actual Starbucks, i.e., River Walk. Mr. Dean said that one is not similar to this in that it is in a strip center, not on a street with different access, different parking and no pedestrians; there is no comparison. Ms Curnin said her concern is that people who see the lot is full, will continue on and turn around in Bernardsville Center making a problem. Mr. Dean said he doubted that would happen. Ms Curnin asked if it is possible Mr. Dean is wrong and people do back-up on Rt. 202. Mr. Dean said he doubts it strongly. Ms Curnin asked if Mr. Dean had studied the downtown parking situation. Mr. Dean said he had. There is a shortage of parking but not at Starbucks' peak time. Those who park downtown during the day (not Starbucks' peak time) will find this site to be a convenient location. It is a destination store at certain times a day, not the morning peak hour.

Vincent Vellaquia, a Starbucks project manager, was sworn by the court stenographer. He described the management of a Starbucks and how it applies to this site, noting there is no outdoor service, no signs on Rt. 287, sign colors are by ordinance, etc. This is a gourmet traffic seller so that is the main part of the business but they do carry pastries and ready-to-drink beverages which are prepared off-site. Deliveries are between 12 and 3 p.m. by trucks about the size of a UPS truck. The store opens at 7 a.m. and closes at 10 p.m. with employees coming at 6 a.m. and leaving at 11 p.m. Each shift has 4 employees, whose duties include keeping the site clean. Garbage pick-up is dependent on usage - when the dumpster is full.

Mr. Vellaquia listed the reasons for putting a Starbucks in this location: traffic, being close to downtown, belief they will have success. They believe success is based on the traffic already counted, not being generated. This will be a unique store - there is no other Starbucks like it.. Starbucks tries to have a coffee house setting, not a pastry shop. As to vehicular traffic, they compare favorably with Dunkin' Donuts. He is not sure about pedestrian traffic. He listed the products they sell, adding some items are dependent on the particular market.

Mr. Foster asked for questions from the public, no comments or opinions.

Mr. Roselle asked how many stores Mr. Vellaquia manages. Mr. Vellaquia said he is in the store development group which designs and builds stores after the real estate division tells them where stores may go. Less than 5 stores of the several hundred they built in this area have been closed. They are presently working on the lease for this property so he could not comment on it. Starbucks is not a franchise system; the

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company owns all of the stores.

Board members asked about the 'lollipop' sign, why this 'unique' store in Bernardsville, what is the area to be served, 'grab'n'go' vs lounging customers, 22 seats vis-a-vis lounging customers, length of time of service in peak hour, etc.

Mr. Biba moved that the Administrative Officer contact Harold Maltz, P.E., a traffic engineer, to do a traffic study and Ms Buchanan seconded. The motion was approved by voice vote.

The matter was continued to the November 15, 2004 meeting.

9. Old Business - None

9. New Business

A. Executive Session

The Board went into executive session to discuss possible litigation.

11. Adjournment

Mr. Hagen moved the meeting be adjourned at 11:00 p.m. and Mr. Negri seconded.

Respectfully submitted,

Joy W. Vavrek
Administrative Officer

10-18mins.04

keywords: minutes-vouchers-daibes-bedrock-traffic-study-executive