

**READINGTON TOWNSHIP ZONING BOARD OF ADJUSTMENT MINUTES
REGULAR MEETING
November 16, 2023**

The Meeting was called to order by Chair Mittleman at 7:30 p.m. stating that the requirements of the Open Public Meetings Act have been met and that this meeting had been duly advertised.

ROLL CALL

Bola
Coates
Hendry
Kirk
Mittleman
Nees
Roglieri

Board Members Absent:

Maurer
Saad

Ms. Kirk moved, and Mr. Roglieri seconded a motion to excuse the absences of Board Members Maurer and Saad. The motion carried unanimously.

Others Present:

Attorney Matt Flynn for Board Attorney Steven Warner, Board Planner James Clavelli, Board Engineer Rob O'Brien, Board Traffic Engineer Jay Troutman, and Board Secretary Ann Marie Lehberger.

APPROVAL OF MINUTES

Ms. Hendry and Ms. Coates abstained.

Mr. Nees moved, and Mr. Bola seconded a motion to approve the October 19, 2023 minutes. The motion carried unanimously.

RESOLUTIONS

There were no resolutions presented for Board consideration.

PUBLIC HEARINGS

Whitehouse Mall LLC

Block 34 Lot 33 – 531 Route 22

Appl# ZB23-006- Amended Site Plan with Variances-Starbucks Drive-Thru

Attorney Steven Gruenberg was present on behalf of the applicant. Mr. Gruenberg explained that the applicant was seeking amended site plan relief with variances to relocate the existing Starbucks coffee shop from its interior location in the mall to the end of the building with the addition of a drive-thru. He noted that the former tenant of the space was a bank that had a drive-thru. He further explained that variances are required including a "D" (1) use variance to allow the drive-thru use.

The following were present and sworn in for the applicant:

Mark DeMattheis, Principle of Whitehouse Mall LLC

F. Mitchell Ardman, Applicant's Engineer

Lizanne Kile, Senior Store Development Manager for Starbucks

Frank Russo, Applicant's Architect
Gary Dean, Applicant's Traffic Engineer
John McDonough, Applicant's Planner

Board Engineer Rob O'Brien, Board Planner James Clavelli, and Board Traffic Engineer Jay Troutman were also sworn.

The following exhibits were marked into evidence as follows:

- A-1 Colored rendering of sheet 2 of the plan set (existing condition plan)
- A-2 Colored rendering of sheet 4 of the plan set (dimension plan)
- A-3 Photo of a Starbucks store in Florida that is set up similar to that which is being proposed
- A-4 Planners aerial photo packet exhibit

Mark DeMattheis, principle of Whitehouse Mall LLC provided a history of the shopping center stating that it opened in 1983 and since that time they have been an active participant in the community. He explained that there were expansions done in 1991, 1996 and 1999. He stated that they are a hands-on family business, and they stay on top of maintenance on site and are always looking for opportunities to make improvements. He explained that Starbucks came to the mall in 2008. In 2020, he heard that they were interested in adding a drive-thru to align with their business model and address the need for convenience for customers which has increased due to COVID. He stated that he wanted to work with Starbucks, realizing the need to change with the times or lose a valuable tenant. He noted that the tenant space from the former bank had the drive-thru available for the proposed relocation. Mr. DeMattheis stated that he had several meetings with the Township professionals over the past three years to work on developing the plan that is in front of the Board this evening to ensure future success of the shopping mall for the tenants and the Township community.

The Board questioned if the other tenants in the mall were in favor of this proposal. Mr. De Mattheis stated that the tenants were excited about the application and noted several were present this evening.

The Board questioned the number of additional customers that were expected with the addition of the drive-thru. It was noted that there was a representative from Starbucks present who could speak to that.

The Board questioned if the applicant had data as to how many customers cross-shop at the mall and whether the addition of the drive-thru would impact this since if they use the drive-thru, they will not have to park their car and get out.

Mr. De Mattheis stated that they also expect that they will get customers coming off the highway.

The Board questioned if the new store would have a smaller footprint. Mr. De Mattheis sated that it would be larger than what they currently have.

The Board questioned if each tenant was responsible for trash and maintenance on their site or if the management took care of it. Mr. DeMattheis stated that they have trash receptacles spaced throughout the front of the site for customers to use. He also noted that each tenant handles their waste removal themselves, but the mall has a company that comes in twice a week to sweep the grounds and cleanup.

The Board also questioned the guidelines regarding panhandling or loitering on site.

Chair Mittleman opened the public portion of the meeting for questions of Mr. De Mattheis. There were no questions.

F. Mitchel Ardman, the applicant's engineer was accepted by the Board as an expert witness. Mr. Ardman described the existing conditions on the site and provided testimony as follows: As part of the proposal, a portion of the existing west side of the building will be cut out to allow for the drive-thru. The existing drive-thru from the bank will be reconfigured to provide for the desired vehicle stacking. The buildings will still be connected. Cars entering the drive-thru would make a right turn into the lane. There is room for 13 cars to stack in the lane. Customers can order at the order canopy or ahead of time using the app. The pickup window will be located on the northeast side of the building. On the left side of the drive-thru there is a second driveway coming from Route 523 to allow access to the back of the mall building. A planted median will be installed in between both driveways that will provide a nice aesthetic separation for the trucks going to the back of the building and cars in line. There are already existing utilities on the site. The proposed lighting plan reuses existing site lighting as well as new pole and building mounted light fixtures.

The Board questioned the hours for the lighting. Mr. DeMattheis stated that the lights go off at 2 am currently and that will remain the same.

Mr. Ardman stated there will be no change to the drainage patterns on the site and there is actually a slight reduction in impervious coverage.

Mr. Ardman reviewed the reports from the Board Engineer and Planner.

The Board questioned if pedestrians coming from Route 523 would need to cross the entrance and exit of the drive-thru on the raised crosswalk to access the other stores in the mall.

Mr. Ardman provided a brief explanation of a raised crosswalk.

The Board asked for clarification on the location of the trash receptacle.

The Board questioned how many cars can fit in the drive-thru line. Mr. Ardman stated that 13 cars can fit.

Board Engineer Rob O'Brien questioned the material that will be used for the raised crosswalk. Mr. Ardman stated that it would be asphalt. Mr. Ardman also confirmed that the existing handicap ramp is outside of the construction area.

The Board questioned the expected duration for the construction. Mr. De Mattheis stated that they do not have a construction schedule yet but plan to make it as least obtrusive as possible and also plan for the Route 523 entrance to remain open.

The Board expressed concern about safety and debris from construction.

In response to a question from Board Planner James Clavelli, Mr. Ardman confirmed that the drive-thru aisle would be 15-feet wide.

Chair Mittleman opened the public portion of the meeting for questions of Mr. Ardman.

Scott Osborne questioned if there would be any additional lights in the rear of the building. Mr. Ardman stated that there will be some new lights around the proposed Starbucks.

In response to a question from the Board, Mr. Ardman confirmed that there would not be any lighting impacts to the residents behind the proposal.

Lizanne Kile, Senior Store Development Manager for Starbucks, was present. She provided testimony as follows: Mr. DeMattheis contacted her to discuss the potential relocation of the store. The drive-thru component is standard for their business model and their stores flourish in similar mall settings. They spend a lot of time as a company analyzing the service process specifically counting the steps required for an employee to complete an order. They are investing in faster ovens, gravity-fed ice machines and moving equipment around to save time and make the process more efficient. It takes about 4 minutes by the time you place an order at the drive-thru window till you pick up. The 13 vehicles stacking that is proposed is more than the standard 10 they usually have in other locations. The store hours in the Whitehouse location are currently 5:30 am to 7:30 pm due to hiring challenges but they would like to remain open until 10 or 11 pm.

The Board questioned if any other stores in the mall are open until 11 pm. Mr. De Mattheis stated that Kings is open until 10 pm and believes Rite Aid and Bensi Restaurant are open until 11 pm.

Ms. Kile continued testimony as follows: Deliveries are made to the store anytime from 6 pm to 5:30 am. The delivery drivers have keys and go into the store and deliver the product. The process takes approximately 30 minutes. This is the same delivery process as what is currently done. The canopy sign will be illuminated from behind. The menu board is LED lit which is standard in the industry and similar to the lighting in the front of the store.

The Board questioned how much time a customer would spend at the order window placing their order because there is only room for 5 additional cars behind that point before you get to the parking lot. Ms. Kile stated that they only measure from the time they order to the time they pick it up.

The Board expressed concern about the stacking noting that there had been an issue with the location in Flemington with cars blocking the entrance to the bank.

Ms. Kile stated that she was involved in rerouting the cars at that site around the bank so there should no longer be a problem there.

The Board also mentioned a similar issue at another location in Flemington with cars stacking.

Ms. Kile stated that the more stores that they open with drive-thrus the less issues there will be.

The Board noted that customers will likely visit the store that is on their route as they pass by.

The Board questioned if there was any other place to order other than the order window or if customers could pay at one window and pick up at another. Ms. Kile stated that was the only location to order and since each item is made to order it gives the barista enough time to make the drink so when the car arrives at the window it is ready.

The Board questioned if the use of the app helps speed up the process. Ms. Kile confirmed that it did.

The Board questioned if they knew what percentage of people use the app. Ms. Kile stated that they observe that many people who order ahead will park and walk in to pick up their order as opposed to going through the drive-thru which helps balance things out. She confirmed that they can pick up their order inside the store or in the drive-thru.

The Board questioned how much increase in business was expected with the proposed drive-thru. Ms. Kile stated that was proprietary information. She confirmed that they hope to bring more customers to the site.

The Board asked if an environmental impact study was done on the effects of having 13 cars stacked up in line. Ms. Kile stated that Starbucks had not done one.

The Board questioned what the plan was if cars back up to the entrance of Route 523. Mr. Gruenberg stated that the traffic expert would address that.

The Board questioned if Starbucks had employees that could come outside to take orders in the event the cars were stacked waiting. Ms. Kile confirmed that they have handheld ordering devices that the employees can use.

The Board asked if there was a contingency plan if there was an issue with cars backing up on Route 523.

The Board questioned how the proposal for the stacking of cars compares to other stores in the region. Ms. Kile stated that their model continues to evolve and change based on needs to make the process run more efficiently, but noted that 13 cars is higher than most existing stores.

In response to a question from the Board, Ms. Kile confirmed that as the menu becomes more complex, the ordering time increases.

The Board asked for clarification as to what number in line the order Board would be. Ms. Kile stated it should be at car number 7.

The Board questioned if there was ever a gap between the car at the order window and the car behind. Ms. Kile stated that there could be if the person is undecided.

The Board questioned at what time they would send an employee out to take handheld orders. Ms. Kile stated that it would be when they reached the line maximum.

The Board questioned if there was a time that they would send car number 13 into the parking lot and have an employee run the order out to them. Ms. Kile stated that was more of a question for the operator of the store.

The Board questioned if any of the nearby locations use handheld devices for orders. Ms. Kile stated that she was not sure.

The Board questioned how many stores in the County had issues with cars stacking in line where the traffic had to be rerouted. Ms. Kile stated that she was only aware of one.

The Board asked for clarification as to the hours of operation. Ms. Kile stated that it would likely be 5:30 am to 10 pm at this location.

The Board questioned the size of the delivery trucks and where they park. Ms. Kile stated that they are usually a box truck, and it depends on the center, but they would generally park in the front since it is usually after hours.

Chair Mittleman opened the public portion of the meeting for questions of Ms. Kile. There were no questions.

Gary Dean, the applicant's traffic engineer, was accepted by the Board as an expert witness. Mr. Dean provided testimony as follows: I have been involved with the subject property for a number of years and I have been involved in a number of Starbucks projects throughout the State. I prepared a traffic impact analysis of current traffic to the site. The times that were used were 7 am to 9 am on weekdays, weekday evening rush hour and Saturday morning. During the morning peak hours, there were roughly 75 customers, the afternoon dropped dramatically and on Saturday there were roughly 60 customers. A drone was used to count and observe parking and they rely on the ITE (Institute of Traffic Engineers) for other data. When Starbucks is busiest, most of the other tenants are closed. The addition of the drive-thru does not cause a large increase in traffic. It is estimated that there will be a 15-20% increase, thus in the morning peak hours there will be an increase of about a dozen people with a minimal increase in the evening and Saturday morning. People used drive-thrus during COVID and have continued those same habits post COVID. Mobile apps have improved the level of service and avoid the use of the drive-thru. As to the question of stacking, the number 13 is the last car in line. It will be self-policing. If you are the number 14 car, you will park and go in or go elsewhere as it loses the aspect of convenience. The

drive-thru lane acts as parking and those spaces are no longer needed in the parking lot, decreasing the amount of required parking. They are creating a pedestrian walkway that is consistent in elevation that gives pedestrian priority in terms of right of way. The right of way will be controlled with a stop sign. An open decorative railing is proposed for vehicle visibility by pedestrians. This application also includes the construction of a sidewalk along the southernly side of the Main Street driveway which will improve the connectivity of the shopping center to downtown Whitehouse making it safer and more accessible. As an additional measure of safety, a warning device will be installed to warn pedestrians when a vehicle is present.

The Board questioned if there were any ADA requirements at the crosswalk for persons who may not be able to see. Mr. Dean stated they can provide a device that will provide both a visual and an audio cue.

The Board questioned how far back the vehicles will be from the crosswalk. Mr. Dean stated that it was about a car length.

The Board questioned if it was possible for a vehicle to exit the line. Mr. Dean confirmed that there was a break area.

The Board questioned how they address the excess stacking. Mr. Dean stated that it does not occur. That is why they put 13 spots in.

The Board questioned future traffic volumes. Mr. Dean stated that if all new 12 projected customers show up at once they will have enough space for them.

The Board questioned if they considered the growth expected in the Township. Mr. Dean stated that studies were used and noted that a lot of traffic was lost to COVID, and a lot of that has not returned.

The Board questioned if there is something that can be done for those users who do not self-police and decide to wait in line.

Board Traffic Engineer Jay Troutman cited Chick-Fil-A as a good example of a company that has it right to control the flow of traffic. He confirmed that a contingency plan is needed for the extra cars that may want to stack in line.

The Board noted that the Board cannot require self-policing as it is not quantifiable. Mr. Dean stated that it has been studied and they have done before and after studies on similar businesses that have added a drive-thru.

Mr. Dean stated that this was designed to comply with the standards of a much busier location.

The Board questioned if any increase in foot traffic to the store was expected. Mr. Dean stated that they assume that the customer base is there today.

The Board asked if there was a seasonality to traffic study counts. Mr. Dean stated that the counts were done in December, which would have been on the higher side due to more holiday traffic in general.

The Board asked if there were any environmental studies. Mr. Dean stated that studies indicate that cars idling are cleaner than a car parking, turning off and turning back on again.

Board Engineer Rob O'Brien questioned if there were any warning signs needed on Route 523 to notify people coming into and out of the site that there is a drive-thru there. Mr. Dean stated that he did not see a need at this time.

The Board questioned the standards for sight triangles on site and whether they were adequate.

The Board questioned the size cars used for the depiction of the drive-thru lane. Mr. Dean said that in terms of the exhibit it is shown as all the cars are Suburban-size vehicles and likely more cars can actually fit if they are smaller.

The Board asked for confirmation as to where the menu board would be. Mr. Dean stated that it is at car number 6 as shown on the plan.

In response to a question from the Board, Mr. Dean confirmed that cars exiting can go right or left.

Chair Mittleman opened the public portion of the meeting for questions of Mr. Dean.

Jacqueline Hindle questioned when the drone was used if they were counting traffic in the whole mall specifically near the bagel store or just Starbucks. Mr. Dean stated that they focused on the western end of the plaza. She also asked if the applicant would be willing to put "no stopping or standing" signs to mitigate any backups that may occur.

Frank Russo, the applicant's architect was accepted by the Board as an expert witness. Mr. Russo reviewed the proposed new store layout and provided testimony as follows: The cafe will seat 20 people, there is a wheelchair spot right as you come in. All the equipment in the kitchen is strategically placed to minimize wait times and ensure efficiency. The drive-thru window is set back approximately 17 feet from the front edge of the building. The cafe has two ADA compliant restrooms, a work room with storage, refrigerators, a small managers desk and a utility room. There is a 20-seat outdoor patio with one ADA compliant table. The service access is in the rear for access to trash. The materials of the building will be wood cladding, a masonry base and synthetic stucco. There will be a series of sconces along the wall and a landscape border around the island.

The Board questioned if the look of the existing shopping center is proposed to be changed. and why the proposed building does not appear to match what is existing. Mr. Russo stated that the existing portion would remain the same. He noted that the idea is to create an end cap that brings more light and vibrancy to the site and make it more modern pulling elements from the existing site to tie it together.

The Board questioned if the store where the cut through will be is affected. Mr. DeMattheis stated that a masonry wall will be built around the outside and the existing store would remain the same.

Chair Mittleman opened the public portion of the meeting for questions of Mr. Russo.

Jacqueline Hindle questioned the hours of illumination for the signs. It was noted that it would be on during business hours.

Board Planner James Clavelli questioned if the sign illumination would affect the lighting plan. Mr. Ardman stated that it would not.

In response to a question from Board Engineer Rob O'Brien, Mr. Russo confirmed that the buildings would remain connected. Mr. O'Brien also asked if they expected an increase in water or sewer usage.

John McDonough, the applicant's planner was accepted by the Board as an expert witness. Mr. McDonough provided planning testimony as follows: The proposed drive-thru improves operations and creates convenience for customers. The proposal promotes a desirable visual environment, taking underutilized space and putting it back into productive use. Having a name brand as an anchor to the mall will have a positive impact. The site is suitable to accommodate the proposal and will flow, function, and operate safely with no impairment to the public or zone plan. The site can accommodate the design proposed and will enhance connectivity.

Chair Mittleman opened the public portion of the meeting for questions of Mr. McDonough. There were no questions.

Chair Mittleman opening the public portion of the meeting for comments.

Board Attorney Matt Flynn swore in all people commenting on the application.

Rob Howell, owner of Playa Bowls in the mall spoke in favor of the application and noted that the relocation will open up more parking in the center of the site. He expressed concern that the potential for Starbucks leaving the site could hurt the other businesses.

John Osso, owner of Bensi spoke in favor of the application. He stated that having a tenant mix is critical for all businesses to succeed and a national tenant such as Starbucks is beneficial to the Township and the other tenants.

Susan Masinda commented on the Board setting a precedence for other businesses.

Board Attorney Matt Flynn spoke to the Board's role and obligation.

Ms. Masinda spoke in opposition of the application and commented on the Township ordinance regarding drive-thrus and fast-food restaurants and the importance of maintaining the rural character of the Township especially around the historic Main Street area.

David Hahn, owner of the UPS store in the mall spoke in favor of the application stating that having a Starbucks brings more traffic to the mall.

Jim, owner of the dry cleaners in the mall spoke in favor of the application and stated that he was around for previous construction projects and the owners of the mall made sure to ensure everything went smoothly and there were no disruptions.

Jacqueline Hindle spoke about the impacts to other local businesses in the community.

Board Attorney Matt Flynn stated that since the applicant is seeking a "D" Use Variance, five affirmative votes are required for passage.

The applicant's attorney provided a brief summation, and the Board began deliberations.

Board Attorney Matt Flynn reviewed conditions that were discussed during the hearing.

Ms. Hendry moved, and Ms. Kirk seconded, a motion to approve the application for Whitehouse Mall LLC with the conditions as discussed. The roll call vote follows:

Member	Motion	2nd	Yes	No	Abstain	Absent	Not Eligible	Recused
Bola				X				
Hendry	X		X					
Kirk		X	X					
Mittleman			X					
Nees				X				
Maurer						X		
Roglieri				X				
Saad (Alt #1)						X		
Coates (Alt #2)			X					

Board Attorney Matt Flynn confirmed that since there were not five affirmative votes, the application was denied.

OTHER BUSINESS

There was no other business discussed.

ADJOURNMENT

Ms. Hendry moved, and Mr. Bola seconded a motion to adjourn. The motion carried unanimously, and the meeting was adjourned at approximately 11:00 p.m.

Respectfully submitted,
Ann Marie Lehberger
Zoning Board Secretary