

**Borough of Watchung
Planning Board Special Meeting Minutes
7:00 p.m. July 12th, 2017**

Chairwoman Schaefer called the meeting to order at 7:00 p.m. Salute to the flag. The Chair called for a roll call. Present at the call of the roll were:

Schaefer (present) Boyd (present) Desnoyers (present) Ellis (present) Haveson (present)
Sopko (present) Pennett (present) Pote (absent) Speeney (present) Spingler (present)
D'Annunzio (present)

Also present were attorney Frank Linnus and Engineer Tom Herits.

Chairwoman Schaefer indicated that there was a quorum to conduct business and stated that this meeting was being held in compliance with N.J.S.A. 10:4-6 of the Open Public Meetings Act and proper notification of this meeting had been made.

The secretary called PB16-03 Seritage Growth Properties Block 6201 Lot 1 redevelopment by demolishing the existing auto center and replacing it with a movie theater. Mr. McNamara thanked the board for the special meeting. The Chair called for Police Chief Cina to give his report and he was duly sworn in. He testified that he had heard of the proposed cinema through news articles and had reached out to Mr. Atkins and some of the elected officials to express his concerns with respect to vehicle theft, theft of items inside vehicles, damage to the vehicles and unruly juveniles as he had past experience as a young officer with the theater in Blue Star. At that time, it was a significant drain on the police department's resources.

Mr. McNamara called William Angles, Vice President of Global Designs for Cinemark Theaters to provide testimony and he was duly sworn in. Traditionally, we get law enforcement involved in the design of the theater with respect to safety as far as entry and exits of the building. Once the theater is open, we hire security to be at the theater, primarily on the weekends, but depending on the market or number of kids, we have had security on staff all week. Our employees go through an active shooter training and we invite local law enforcement to participate in that as well. Since we have reserved seating, the number of people that arrive early is far less so there's no need to camp out at the theater to buy a ticket. Mr. McNamara stated that security in the parking lot is between Cinemark and the landlord. He asked Mr. Angles explain what could be done with regard to vehicle theft or break-in. We have put in an elevated booth where an officer can sit in and monitor the parking lot. Because the windows are completely tinted, even if it's unmanned, it has been a deterrent. The site lighting prevents having dark corners and stays on 30 minutes after our employees have left for the evening. The latest showing lets out at 12:30a.m. The only films that may go beyond a midnight showing would be if we had a series of classics, but we usually show those on off-peak days. Our theater managers keep a good relationship with the local law enforcement. It is our policy to hire security staff who already have law enforcement training. Mr. McNamara asked the Chief if he had any questions. No questions, but he had some comments. The police are not having trouble with patrons who purchase tickets ahead of time. It only takes a group of 3 or 4 kids to wreak havoc elsewhere. Your security employees handle the theater. When they leave the theater, that's when it becomes a police matter. I appreciate the parking lot will be well lit beyond when the last person leaves but experience has shown that lighting has nothing to do with crime. Mr. McNamara said we are doing what we can to promote a safe and secure facility and experience for the patrons. We certainly will keep an ongoing dialogue with your office for the movie theater as well as the development across the street.

Madame Chair Schaefer asked if there was anything the chief could recommend for additional security, such as fence, or cameras. Not for this side, said the Chief. Mr. Haveson asked if there would be arcade games in the lobby. Mr. Angles said no arcades will be at this location. Mr. Haveson asked if you can purchase tickets on site. Yes, we will have automated kiosks or

guest services can sell you a ticket. We have Closed Circuit TV cameras focused anywhere there is a cash transaction. We have standard fire and burglary alarms, as well as alarms on all the exit doors. Ellen Spingler asked the Chief if when the cinema closed at Blue Star was there a reduction in certain kinds of activities. Yes there was a reduction. There was a vast difference in motor vehicle theft, theft from vehicles, but more significantly the juvenile matters. When I have 3 or 4 officers working on a given night and 3 kids have to be taken into custody that's a huge drain on our resources. The crime we can deal with, it's the juvenile matters that are problematic. Mr. Haveson asked the Chief how he deals with these issues at the Watchung Square Mall. He said typically we don't get those calls there. They occasionally happen at some of the bigger box stores, but they are few and far between. Mr. Haveson appreciated the Chiefs comments. Chairwoman Schaefer asked the Chief if he had any idea whether a similar situation existed at the AMC in Bridgewater. The Chief said he did not know. Mr. Herits, asked how many security personnel would be patrolling the parking lot and inside the building. Mr. Angels said it varies. We don't know this market yet. It's something that we evaluate from day one and add as needed. I would expect at least two security guards to be there through the weekend. Madame Chair asked if the security guards would be on foot or in cars outside and if two was the total. They would be stationed around the building and inside. Not in the parking lot only the tenant space. Mr. Herits said, so you expect the lease owner to provide the security on the outside? Yes. Mr. McNamara said his client is prepared to meet with the chief and representatives with regard to coordination of security of movie theater operations and what we are doing with the other tenants at the other property. Mr. Linnus asked Mr. McNamara if Seritage was prepared to provide outside security. Mr. McNamara said he would contact them and find out what their position is. The Chair called for more questions of the Chief from the board, hearing none, she opened it up to the public, hearing none, that portion was closed.

Mr. Angels continued to give testimony with respect to daily operations and non-law enforcement related issues. Normal theater hours are from 10a.m. to midnight and they employ between 50-75 people. It's seasonal with an increase in summer and holiday time. We have auditorium rentals available for businesses that want to conduct meetings in an auditorium. We also rent to faith based groups on the weekends for their services and we have a kid's party room for rental in addition to the standard digital movies we play. They are downloaded via satellite to our server and distributed to the theaters.

The theater has 10 auditoriums and the main entrance is in the center of the building. The lobby space has ticketing and typical concessions, popcorn, soda and hotdogs and a café with hand dipped ice cream and Starbucks coffee. We use big electric luxury reclining seats. We have a large screen format that we call XD, which is equivalent to an IMAX screen. This auditorium would have 65 foot screen 3 stories tall, 3D sound speakers in the ceiling and sub-woofers in all the chairs. It's the place to go when you want to see a premium opening movie. This is why the variance for the building height is needed to accommodate the screen. During the week patronage is less than on the weekends. Weekends is typically 70 percent occupancy and weekdays is about 30 percent. The second floor is for the tech that handles all of the equipment, office space and the employee break room. No public access up there.

We built this theater in Chicago and others are under construction in Houston and Salt Lake City. We are currently working on a theater near the shopping mall in Wayne NJ. Madame Chair called for questions from the board. Mr. Speeney asked if the lobby concessions were only for the movie patrons or could any one walk in from the street to make a purchase. Mr. Angels said anyone can make a purchase. We don't provide a seating area that would make it tempting for people to come in and hang out. It's a walk up counter and we are not popular for inexpensive pricing so we may not get much traffic coming in to buy at the concession stands, but it would still be available to grab and go. Theaters that have arcades attract "hanging out." This theater will not have arcades. We have not experienced "hanging out" in the theaters with the coffee and ice cream products. Mr. Herits said so there will be no seating. If you are going to buy coffee and ice cream you are going to have to stand up. Mr. Angels confirmed and also said no alcohol will be at this location.

Mr. Sopko asked how many of their theaters have a second floor for employees and is that a common design? It's fairly common. He asked if any of the theaters have an emergency staircase on the inside of the building. We have some where it's between auditoriums on the inside. This design does not due to spacing and therefore the emergency exits are dictated by fire code. Mr. Healey asked what occupancy 1153 means. It means people sitting in every seat, plus people in the auditorium, employees and people circulating around. The number of seats is 882. He also asked if there was a system in place that staggers the coming and going of patrons. Yes, it's typically 15-20 minutes. Madame Chair asked why the emergency exits for second floor are on the outside rather than the inside. We put it on the outside because the space on the inside is more valuable. Also if projectors are needed they generally bring it in from the outside rather than through the theater. Is that door locked from the inside or the outside asked Mr. Sopko and if possible could they eliminate the exterior staircase and replace it with an interior one. Mr. McNamara deferred to the architect. Mrs. Pennett brought up the question of alcohol sales again and it was confirmed that no alcohol is allowed at the venue. Mr. Haveson asked how many seats are in the large auditorium. It has 200 seats.

Mr. Angels gave testimony on the signage of the building with regards to the Cinemark logo and the XD logo used to promote the exceptional movie experience at the theater. Standard light boxes are on the front of the building to show what's playing and what will be coming soon. Signs for the top 3 movies would be depicted on the building for people that drive by. Madame Chair asked for confirmation of the color depicted as an orange hue. Yes the colors are similar to Exhibit A-5. Exhibit A-5 has a fire pit. Is that going to be part of this? There is no plan for a fire pit at this location. She also asked whether the movie signs were for current or upcoming films. The Cinemark and XD are internally illuminated and the far panel is externally illuminated, asked Mr. Healey. That's correct. Chairwoman Schaefer opened it up the public for questions of Mr. Angels, hearing none that portion was closed.

Mr. McNamara called the applicants architect, Kip Daniel, who was sworn in and accepted by the board. Mr. Daniel gave a summary of the building materials and design of the theater with respect to an image of entertainment and luxury to attract customers. When you are in the lobby, there is visibility to the parking lot as I know this was one of the security concerns. Our emphasis is on safety and security. Aside from the building and fire codes with respect to number of exits, and sprinkler heads, etc. inside there are extra wide, well lit corridors, which prevent foot traffic even with two theaters exiting at the same time. With respect to the stairway discussed earlier and why it is outside rather than inside, that stairway is not meant to be used except in an emergency, so we didn't feel it was necessary to internalize it and use valuable square footage.

For safety, there are exits for every theater that go directly outside, so customers don't have to go back through the lobby and out the front door. Madame Chair called for questions. Mr. Sopko asked if the slab is level throughout the building. Mr. Daniel said the floor ramps up when you come into the building. Is that all done with a single pour, asked Mr. Sopko. Yes. Regarding the exterior staircase and those buildings where you have it inside, would it be placed between auditoriums 7 and 8? Mr. Daniels said we have to have an exit a certain distance away, there's no way to get it in this space and still meet the exit code requirements. The second floor is really not occupied space except for the break room and office. We don't feel there's a need for an additional enclosed stairway for just this space. Mr. Sopko asked where the staircase has it been placed in locations where it is inside. Mr. Daniel said it varies. Sometimes we are next to a mall and we are forced to create an enclosed stair on the outside of the building with additional roof and everything else. We don't like to do that because it's just not used. So putting it between auditoriums 7 and 8 would not meet the fire code? No it would not. Chairwoman Schaefer asked if juveniles could get to the staircase. They can get to it but cannot enter into the building. The door is locked. After discussion, it was decided that an open cage around the stairs along with a gate system at the bottom to restrict access would be acceptable. With respect to the Police Chief's concerns, Madam Chair suggested an enclosed staircase. Mr. Angels was recalled to testify and said Cinemark agrees to the suggestions

made by the board with regards to the enclosed stairway with a roof and emergency gate at the bottom. Mrs. Pennett asked who's responsible to clear snow away from the emergency exit door. Building maintenance would take care of that. Mr. Sopko asked if Cinemark keeps records of medical emergencies at the theaters. Mr. Angels said he was unaware and would have to get back to us. Have you put any design considerations into the layout where a rescue squad could access people with medical emergencies? There are no areas of isolation, but the corridors are plenty wide for that to be set up. Ease of circulation exists for handling stuff like that. We always locate a Knox box near the front entry doors that medical and police can use. We are certainly open to adding more if requested. Mr. Haveson asked if the one way exit doors are set up for the police to have access. The ones that they typically ask us for are at the ends of the corridors and at the main entrance. Between those 3 access points they are able to access all the auditoriums fairly quickly. Mr. Ellis asked if they have defibrillators on site and if employees are trained to use them. By law defibrillators are required and we can make sure one is provided here. Mr. Healey asked Mr. Daniels to confirm the colors of the panels and stonework on the rendering in relation to the building and also the screening of the trash and recycling enclosures. Hearing no further questions from the board, the chair opened it up to the public for questions, hearing none that portion was closed. A five minute recess was taken and upon return present at the call of the roll were: Schaefer (present) Boyd (present) Desnoyers (present) Ellis (present) Haveson (present) Sopko (present) Pennett (present) Pote (absent) Speeney (present) Spingler (present) D'Annunzio (present). Also present were attorney Frank Linnus and Engineer Tom Herits.

Mr. Brad Bohler was sworn in and accepted by the board. He presented Exhibit A-7 an aerial view of Terrill Rd. Route 22 intersection and the Sears Auto property. Also on the view was the PSE&G lot that contains an easement to access the property. Mr. Bohler gave a detailed description of Exhibit A-7. He also presented and described the aerial view of the proposed theater in the record as Exhibit A-8 with regard to PSE&G easement and set back variances on the property. Mr. Bohler stated that they are in the process of obtaining a DOT permit to reconstruct access to the site along the Route 22 corridor approximately in the same location. They are maintaining the access that currently exists on Terrill Rd. and are providing a direct ADA access to the Route 22 sidewalk that was recently installed. Utilities are all underground for the site and they will be installing all new utilities. The proposed lighting is in compliance with the ordinance with the exception of the driveways where the ordinance allows an exception. Overall we propose to have 70 deciduous and evergreen trees on the project, 747 shrubs (evergreen and deciduous) 1600 perennials and 300 grasses on the site. For the free standing sign we propose 2 compliant free standing signs. Mr. Bohler testified that they could comply with the engineer's June 30th report and any remaining materials the applicant has addressed or can continue to address as a condition of preliminary approval. Our traffic engineer will testify on the traffic report comment, but essentially we can comply with the comments in the report. Mr. Linnus, attorney for the board, asked if the applicant is prepared to comply with each and every comment in Mr. Herits June 30th 2017 report without exception? Mr. Bohler stated, yes and his testimony stands. Mr. McNamara had Mr. Bohler testify again their compliance with each item in the report specifically with regard to sidewalks, design standards, storm water management, utilities, lighting & landscaping, bicycle rack, benches, trash receptacles, and the PSE&G easement. Mr. Linnus asked Mr. Herits if he had seen the PSE&G report and he said no, so Mr. McNamara said he would submit it. Mr. Healey asked what rights the easement gives them. Mr. McNamara said it gives a right of access. Who plows it in the winter asked Mr. Healey. Mr. McNamara said it's probably done when the rest of the parking lot is done. Mr. Healey said his report suggested that road be repaired as it is in poor condition. The applicant said they would sort it out with PSE&G and will address it. Mr. Desnoyers asked if they will be using that easement to access the parking behind the building. Mr. Bohler said yes you can go through it now. Mr. Haveson asked how a vehicle would access the dumpster on the south side. Mr. Bohler said they changed this so that it's an in motion only based on the feedback from site committee and the engineer's report. There was some more discussion

about the PSE&G easement with regards to use, repair, and snow removal. Mr. McNamara said his understanding is it will be no different than today. The landlord is responsible for snow removal. Mr. Herits said that entire stretch need to be milled and paved, is that something you would do? Mr. McNamara said he would discuss it with Seritage. Madame Chair said the bottom line is these details need to be ironed out before preliminary approval is considered.

Chairwoman Schaefer mentioned how disappointed she was at the last meeting with regard to a letter she had NOT received before that meeting from the Somerset County Planning Board with respect to the park n ride. Attorney for the applicant said Mr. Harter will discuss the DOT letter. Madame Chair said we don't have copies of it. The other question she had was garbage pick-up. Would it be picked up one time per week? Or as needed, clarified Mr. Bohler. Madame Chair asked what is generally done at these sites. Mr. Angels said they found 1 time a week pick up is more than sufficient. This is a compacter, not a typical dumpster.

In reference to the lighting, will it be similar to what is being used on the retail site? Yes, it will. Mr. Sopko referenced a green area on the easement. Mr. Bohler said the parking spaces from the current tire center overlap the property line. We are removing those and putting grass there. What is the width of the easement asked Mr. Sopko? The easement is 100 feet wide. Mr. Sopko asked if PSE&G could make more of the property green. Mr. McNamara said there are other adjacent properties so I couldn't speak to that. Mr. McNamara said he would bring it up to PSE&G, but has no idea what they would say.

With regard to the signs there are no details, and Mr. Healey asked that they provide details to the board. He also asked the applicant to discuss the need for and design of a drop off and also that the trash be screened with a masonry wall. Mr. Bohler testified that there would be masonry walls and a privacy gate. It is not on the plan currently, but we will put it on the plan. Madame Chair asked how many tractor trailer deliveries per week as well as noise, glare and vibration that can be expected. Mr. Angels said typically there are two deliveries per week. Madame Chair asked if the truck would enter from Terrill. Mr. Angels clarified that it would be a box truck. Mr. Herits asked if there would be noise enclosures around the RTU's because there is an apartment building nearby. Mr. Bohler said he expects HVAC to be noise compliant. We have to be. With regard to glare, we have evergreen shrubs around the perimeter. Our trash compactor is on the inside then that goes outside to a dumpster. Mr. Jahr, traffic engineer for the board suggested that the professionals meet prior to the next meeting to iron out the details. Hearing no further questions from the board, the Chair opened it up to the public, hearing none that portion was closed.

John Harter, traffic engineer for the applicant was sworn in and accepted. He summarized the findings of his report as such. With the addition of the cinema the trip generation is a little bit less than half of what the peak hour demands were for the shopping center. As a result of that it is somewhat better. We had received a letter of no interest from DOT, indicating a new access permit is not required but because we are proposing a right in and a right out driveway at the east end of our frontage with better alignment than what exists today, we have to get a new permit. DOT is reviewing our study and we will find out shortly that we don't have impact issue on Route 22 and Terrill Rd. Our data was collected weekday evenings 4-7p.m. and on a Saturday mid-day 11a.m-2p.m. For Cinemark the peak times are typically later hours and the street traffic volumes are lower. With regard to the park n ride, we had just received a letter dated July 10th from the DOT which I will provide to the board. In summary, the letter states that the park n ride and the bus route was set up as a temporary traffic mitigation strategy to provide alternative means of transportation to motorists impacted by the closure of the Pulaski Skyway. With the work on the skyway nearing completion, and the restoration of two way traffic on the bridge scheduled for the end of the year, the department is beginning to phase out some of the mitigation strategies. As such, the department and NJ Transit will be

suspending the park n ride and bus route at the Sears location at the end of October. Madame Chair thanked Mr. Harter for the information.

Madame Chair asked Mr. McNamara if they had submitted final plans for the two buildings on the Retail side in preparation of our July 18th meeting. Mr. Bohler said the final architectural sheets were submitted. Mr. Linnus asked if a final site plan was submitted. Mr. Bohler referred him to the site plan previously submitted. Mr. Linnus asked if the site plan was fully compliant with an unconditional preliminary. Mr. Bohler said he could not remember. Madame Chair asked for a continuance of the Cinemark application and the applicant consented. The attorney for the board announced notice for the continuation of this application to the public. Madame Chair asked that the final site plan for the Retail side be submitted at least 15 days prior to the meeting. Chairwoman Schaefer made motion in the affirmative to continue application PB16-03 Seritage Growth Properties until August 31, 2017, it was moved and carried on a voice vote.

Meeting adjourned at 10:30p.m.

Respectfully Submitted,

Maryann Amiano
Planning Board Clerk