

**Borough of Watchung
Planning Board Meeting Minutes
7:30 p.m. August 15th, 2017**

Chairwoman Schaefer called the meeting to order at 7:30 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 (absent) Haveson (present)
Sopko (present) Pennett (present) Pote (absent) Speeney (present) Spingler (present)
D'Annunzio (absent)

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.

Mayor Pote and Mr. Ellis arrived at 7:35p.m.

Madame Chair asked the secretary to read resolution PB17-R9 Minor sub division into the record. Condition #14 was edited by adding the following: or the applicant shall enter into an agreement with Century Lane Assoc. satisfactory to the Planning Board attorney and Borough Engineer to ensure that maintenance, repair and snow plowing of Fischer Lane is accomplished. Chair Schaefer made motion to accept, it was moved by Mr. Haveson, seconded by Mr. Desnoyers and carried on a call of the roll: Mr. Boyd [yes], Mr. Desnoyers [yes], Mr. Haveson [yes], Mrs. Pennett [yes], Mayor Pote [yes], Mr. Speeney [not voting], Chairwoman Schaefer [yes]

The board secretary called application Seritage PB16-02 Redevelopment of Sears Retail site. Pat McNamara, attorney for the applicant called his architect, Kenneth Park, to provide testimony. Mr. Park was duly sworn in and accepted by the board. Mr. Park addressed all of the concerns in Mr. Healey's letter and stated that the applicant will comply. He provided testimony with respect to the architectural design on the façade and the materials of the two buildings along with monument and pylon sign. Madame Chair called for questions from the board. Mr. Healey asked Mr. Park to describe the side of the building facing Terrill Rd. He pointed out it had score lines and showed Mr. Healey the color schemes on elevations. Mr. Herits asked if there was a provision for signs for the 4 pad sites. Mr. Park said there is no provision for such. The Mayor asked why. Mr. McNamara said that if a particular tenant wants a slot on the sign, they may need to come back to the board for re-design approval. Mr. Haveson asked how high the screening is for the AC on the roof. Typically 5-6 feet. Mrs. Pennett asked where the garbage disposal will be located. Mr. Bohler pointed out two trash enclosures one for each building. Madame Chair called for questions from the public, hearing none that portion was closed.

Mr. Bohler was recalled, sworn in and accepted by the board. He discussed the hours of operations for the two buildings (Sierra Trading Post and Home Sense) for which final approval was being sought, the delivery schedule and trash pick-up schedule. He addressed the letter from Maser Consulting dated August 14, 2017 and represented that the applicant agrees to comply with all of the comments. The applicant further agreed to have ongoing discussions with the Police Department regarding security as well as with Somerset County regarding the Terrill Rd. traffic light. The applicant accepted all recommended conditions in Mr. Healey's letter dated August 13, 2017. Mr. Jahr, the board traffic consultant, indicated that from a traffic perspective, he is satisfied with the application. Mr. McNamara stated his client agrees to accept all conditions of approval set forth in the reports of the Board professionals. The applicant has also agreed to build a new traffic signal as part of the County Planning Board requirements for approval. Madame Chair called for questions from the board. Mr. Haveson asked if the tenants

in sections 3, 4 and 5 would have their own trash and Mr. Bohler said they would share. Mr. Desnoyers asked how the trash enclosures would look. Mr. Bohler said they would complement the architectural design of the building and be screened with trees. Mayor Pote asked if the tenants agreed to the time of the truck delivery and if Seritage will hold them to the times. Mr. Bohler said the goal is to keep the trucks separate from cars and we specified 6a.m.-9a.m. It would be two trucks between 6a.m.-9a.m. When would delivery for the four pad sites happen, asked Mayor Pote. Madame Chair reminded the Mayor that the applicant was here for final on the two anchor buildings only. They will have to come back to the board for the pad sites when they have tenants. Mrs. Pennett asked if during the holiday season the hours would change. Mr. McNamara said it is possible. Madame Chair called for questions from the public, Kevin Hammel, 131 East Drive, asked if something could be done to keep the park n ride. Mr. Bohler explained that the D.O.T. is severing the agreement and it's not within the applicant's jurisdiction. Hearing no further comments from the public that portion was closed and Mr. McNamara had nothing further. Madame Chair called for final discussion, comments or questions from the board and the professionals, hearing none she asked if the public had comments. None were heard. Madame Chair said the 4 pad sites are excluded from this motion. We are making a motion on the two buildings one houses two tenants building and the other houses 3 tenants (1-5). Mr. McNamara said we received preliminary approval on the pads, we are not seeking final on those at this time.

Mayor Pote asked for further discussion on the volume of traffic. He expressed concerns with the development of this site as well as the Cinemark movie site. Mr. Jahr said there are a number of improvements. The applicant has agreed to build a new traffic signal as well as the pedestrian circulation improvement will benefit the Borough. Mayor Pote appreciated Mr. Jahr's comments, but said he was finding it difficult to believe that there would be less traffic on that site with the proposed retail and the movie theatre versus what we have today. Mr. Jahr said he understood and said there was a time when Sears was very busy. The Mayor said so you are not comparing the traffic to current time, you are comparing it to when it was at its peak. Exactly and those rules are defined for us by D.O.T. Mayor Pote asked if the movie theater traffic was considered as well. Mr. Jahr said yes it is a comprehensive study. The reference point is not what we know currently, it is when Sears was bustling. Mr. Ellis asked if the county will have ownership and maintenance of the traffic light. Yes they will.

Chair made a motion for board attorney to draft a resolution for final site plan approval Seritage PB16-02 Block 6101 Lot 5 for buildings 1, 2, 3, 4, and 5 subject to all conditions that have not been met of the preliminary approval and also to our standard conditions of final as well as the agreements of the applicant. It was moved by Mr. Ellis, seconded by Mr. Speeney and carried on a call of the roll: Mr. Boyd [yes], Mr. Desnoyers [yes], Mr. Ellis [yes], Mr. Haveson [yes], Mrs. Pennett [yes], Mayor Pote [yes], Mr. Speeney [yes], Chair-woman Schaefer [yes].

A five minute recess was taken. Upon return a call of the roll was made: Schaefer (present) Boyd (present) Desnoyers (present) Ellis (absent) Haveson (present) Sopko (absent) Pennett (present) Pote (present) Speeney (present) Spingler (present) D'Annunzio (absent)

Also present were attorney Frank Linnus and Engineer Tom Herits.

The Secretary called applicant PB16-03 Seritage Final major Site Plan with variance relief for the redevelopment of Sears Auto Block 6101 Lot 5. Attorney for the applicant called William Angels, head of Cinemark. He was previously sworn and accepted by the board. He addressed the board's prior concerns on the outside staircase. Seritage will be responsible for the snow removal on the PSE&G easement and rest of the property. Madame Chair called for questions from the board. Mr. Haveson asked for further details on the screening of the staircase. A description of the location, size and color of the screening was given. Madame Chair asked if

an alarm was on the gate. Yes as an emergency exit it has an alarm. Mr. Desnoyers asked if the PSE&G easement has been finalized and agreed on. Yes, we are milling and repaving the easement. Chairwoman Schaefer called for questions from the public, hearing none that portion was closed.

Mr. Bohler was recalled for testimony and had been previously accepted by the board. There was discussion about a pick-up/drop-off lane. Three spaces are assigned next to the ADA spaces as pick-up/drop-off 15 minute max. They are accessible from both Terrill Rd. and Route 22 entrances. With regard to the screening of the trash enclosure, it will be masonry and match the architecture of the building. He summarized the improvements made to the PSE&G easement with respect to channeling the exit points and regarding the pedestrian traffic between the two lots across the PSE&G easement. As it will be difficult to regulate those locations, we are proposing to put a fence up along the east side of the building to guide pedestrians up to the sidewalk along the 22 area. The intent is help people get to a controlled intersection. We added additional lighting to exit and entrance points. Mr. Desnoyers asked if the back south east corner will be illuminated. There will be site lighting and building lights there.

Mr. Bohler continued his testimony and provided details for the monument signs. They will be at the same locations the Terrill Rd. entrance and the D.O.T. entrance. With regard to Mr. Healey's report, we left it up to the discretion of the borough, but we are willing to re-pave the entire PSE&G easement. He continued by stating they will comply with #17 and #20 in Mr. Healey's letter. With regard to the board engineer's letter we agree with items 6, 7, 8, 9, 10 and 11. Mr. Linnus asked Mr. Bohler to provide the board with a copy of the written confirmation from PSE&G. They plan to continue to have discussions with the Police Chief with respect to security as far as off duty officers on site and the security needs based on weekends etc. We will comply with all site considerations and site circulation comments as well as storm water utility section items 1-4. We will continue to work with the Chief with regard to security lighting.

Mr. McNamara confirmed that all landscaping will be new and subject to approval from the shade tree commission and borough's professionals. Madame Chair called for questions from the board. Mr. Healey commented that the two elevations on the architectural don't match the grading on the site plan. He also asked if they could look into a better position for the proposed lighting along the PSE&G property as it may throw a shadow. The applicant agreed to look at both. Madame Chair asked if landscaping would be placed on the southerly side of the property to block headlights. She then asked if the fire department had contacted them. She believed the height of the ladder versus the height of the building was a concern for them and had asked that they contact Bohler. Mr. Bohler said he did not hear from the fire department and would reach out to them. The Chair called for questions from the board. Mr. Speeney asked if they were going to mill and pave the PSE&G ROW and take care of snow removal. Mayor Pote asked who was handling the remediation of any oil spills as a result of the Auto Center being there during construction. They agreed to mill repave and snow removal. On the remediation, Mr. McNamara said he would confirm and get back to the board. Mayor Pote also asked to go over the drop-off parking circulation again and questioned a risk of traffic backing up to Route 22. Mr. Bohler said there may be a wait, but cars can go left. The Mayor said he missed parts of the security lighting comments and asked Mr. Bohler to repeat what was discussed. His concern was the lighting behind the cinema. Mr. Bohler noted that the back is illuminated as much as the front area.

In terms of security the Mayor was very concerned about loitering on the site. Mr. Angels said during construction the police department is involved. Cinemark employs off duty police officers as security in the building and at the parking lot. They agreed to have extra security in the beginning until we know what to expect. They have taken out some of the attractions to

teenagers like arcades. Also, there will not be a bar or restaurant seating. Cinemark prefers to hire off-duty police officers first and if we can't then we would go to a private security firm. The Mayor asked if officers would be armed. Mr. Angels said if the police department allows it we would like them to be armed and in uniform. The Mayor said one of the things he spoke with the Chief about was the opportunity to have full-fledged police officers across the two sites as well as Watchung Square Mall and Blue Star that way it's a constant presence to protect the malls. A car driving around with a yellow flashing light is not enough. Mr. Angels said he agreed in so far as a police officer in uniform is most effective. Madame Chair asked how many police officers you anticipate will be needed. Mr. Angels said we think one officer on the inside and one on the outside of the building, but we have to operate for a while to understand the population and scale as needed. Madame Chair asked where the police officer on the outside would be stationed. At our other locations they are roaming. In a borough police vehicle, asked Chairwoman Schaefer. Sometimes, if there is a need they park the police car up front.

Mr. Haveson asked Mr. Bohler to explain the location of the sidewalk fence again. He then asked why patrons would exit at that location. Ninety percent of the customers exit through the lobby, but some do exit there. Madame Chair asked what prevents someone from entering those doors. They are exit only and we have at least one or two employees in that hallway at all times and they can clearly see both ends of the building. Also, we have an usher that goes through the auditorium before each show so we would know if someone is sitting in a seat they should not be in. Everybody has a reserved seat. That is a standard arrangement for our cinemas. Madame Chair asked if there was a defibrillator on site. Mr. Angels said he has to check with his operations department and that as far as he knows they do not have defibrillators in the building. The Mayor asked if they could make that happen. It's important to have one on the site. Mr. Angels said they would accommodate. Madame Chair called for further questions. Mr. Desnoyers asked where the deliveries would take place. The Mayor asked if they had a simulation of pedestrian traffic. Mr. Angels said the deliveries are in the front or sides of the building. Show times are staggered and another way we track patrons is through ticket sales. So by Friday we know and can staff up or down as needed.

Mr. Speeney asked if the gas company was contacted. Mr. Bohler said we have to notify them during construction. Madame Chair asked if the public had any questions, hearing none that portion was closed. She asked if the public had any comments, hearing none that portion was closed. Chairwoman Schaefer made a motion for the board attorney to draft a resolution for a preliminary approval with conditions. It was moved by Mr. Haveson, seconded by Mr. Speeney discussion was made that the conditions will also include fire department, police department, and variance relief sought. Mr. McNamara replied, yes everything. The motion carried on a call of the roll: Mr. Boyd [yes], Mr. Desnoyers [yes], Mr. Ellis [yes], Mr. Haveson [yes], Mrs. Pennett [yes], Mayor Pote [yes], Mr. Speeney [yes], Chairwoman Schaefer [yes].

Meeting adjourned at 9:45p.m.

Respectfully Submitted,

Maryann Amiano
Planning Board Clerk