

**BOROUGH OF FAIR LAWN  
ZONING BOARD OF ADJUSTMENT  
SPECIAL MEETING  
Of February 2, 2015**

Following are the Fair Lawn Zoning Board of Adjustment's Special Meeting Minutes from the Zoning Board Special meeting held February 2, 2015

Chairman Todd Newman called the Special meeting to order at 7:30 p.m. and declared that the meeting was being held in accordance with the Open Public Meeting Law.

Roll Call: Present: Mr. Seibel, Mr. Lowenstein, Ms. Perchuk, Mr. Pohlman, Mr. Naveh, Mr. Zharnest & Mr. Newman.

Absent: Mr. Blecher, Mr. Sacchinelli, Mr. Puzio, Mr. Racenstein,

Also in attendance were Bruce Rosenberg, Board Attorney; Candice Galaraza, Court Reporter; Ann Peck, Assistant Zoning Officer. (Cathy Bozza, Zoning Secretary: Absent)

Board Professionals in Attendance: Board Engineer: Paul Azzolina,  
Board Traffic Engineer: Mark Kataryniak  
Board Planner: Paul John Kittner

**Commercial Business carried from January 26, 2015:**

1. Application #2014-15, Varvara Property LLC/Oceanos Oyster Bar and Sea Grill, 2-27 Saddle River Road, Block 1301, Lot, 13-15, Zone R-1-2 Proposed expansion to create Additional dining room seating. Will create a dining room on first floor and move all offices to second floor at existing structure located on site currently being used for offices. Will create additional dining area on first floor of existing storage structure and move storage to second floor. Will remove an existing structure in rear of the property and create additional parking. Restaurant is not a permitted use in the R-1-2 zone which requires a D-2 variance for expansion as per Section 125-57.D.(1)(d)[1]. Would increase the impervious coverage from 86.1% to 87.5% where 35% is permitted as per Section 125-12 Schedule of area yard and building requirements. Required 10' minimum rear and side yard buffer where less than 10' is existing and 1.0' is proposed as per Section 125-42.F. Requires an amendment to existing parking variance. Presently site had 64 parking spaces with expansion site will have 71 spaces where 114 spaces are required. All other variances and/or waivers that may be required for this application.

Mr. Newman (Chairman) apologizes for running a little late. The Re-organization meeting ran later than expected. He would like to make a couple of points to the Applicant and to the Public.

Mr. Newman states the Applicant will present one witness this evening, their Traffic Engineer, with this in mind, he will ask the applicant even if their witness completes testimony this evening, to please have the witness attend the next meeting in case the public has further questions of the Traffic Engineer.

Mr. Lambrinides (Applicant Attorney) agrees and will have all Professionals who have testified for this application at the next meeting.

Mr. Newman also tells the Public if they would like to hear any of tonight's testimony, they can purchase the CD at the Building Department for a fee of \$3.00.

Mr. Newman defers to Mr. Lambrinides.

Mr. Lambrinides calls his first witness.

Mr. Newman swears in: Mr. Louis Luglio (Professional Traffic Engineer)  
160 Hillcrest Ave  
Leonida, N.J.

Mr. Newman certifies Mr. Luglio as Expert in the Field of Traffic Engineering with no objections from the Board.

Mr. Lambrinides begins his direct cross.

Mr. Luglio testifies he was hired to do a traffic study for Oceano's Restaurant, to look at the current operations, the number of seats, how the restaurant operates today and then look at how the increase in seating would result in the traffic having an impact in and off the site.

Mr. Luglio speaks to the new seating proposed; additional 54 seats for a total of 189. Site is located along Saddle River Road, is a County road and under the jurisdiction of Bergen County, classified as an urban minor arterial, one travel lane in each direction, curb to curb distance is approximately 30ft and no parking on either side, posted speed limit is 35mph.

Testimony continues...the restaurant provides one vehicular access point onto SRR. Speaks to peak hours of the Restaurant, Friday & Saturday evening. Peak time hourly traffic to and from the site occur between 7:15 & 8:15. Study was based on traffic data they conducted over two different periods; October 18, 2014 & December 13, 2014.

Counting was done from 4pm to 9pm. They counted actual vehicles on Saddle Road and vehicles on and off the site itself. The peak hours along SRR is 4pm to 5pm. Total number of vehicles during this time; 1,125 vehicles traveling in front of the site.

Mr. Luglio speaks to the peak hours of the restaurant, the operational standpoint of people coming and going to the restaurant itself...testifies the peak hours of the restaurant is far after the peak hour on Saddle River Road itself. Approximately 50% less traffic is occurring during the peak of the 7:15-8:15 when the restaurant is in operation.

Testimony continues....30 vehicles entered onto the site during this peak time, 15 were exiting for a total of 45 vehicles coming and going...

Reviews the Valet Parking & Parking at the site. Two attendants who receive vehicles on a continuous basis during the peak hours and through the evening. Well managed. Speaks to operational aspect.....works very well.

Mr. Luglio reviews proposal of seating and additional parking spaces. From the traffic standpoint, they utilized the Institute of Transportation Engineers Trip Generation Manual which is a copulation of thousands of studies of similar types of restaurants and with the additional seating proposed, they are looking at another 20 vehicles which would be added to the site for a total of 65 vehicles coming on and off the site.

Mr. Luglio continues with his testimony. The parking lot & restaurant during other visits & studies never reached 100% full capacity...

Mr. Luglio reviews an Analysis of the driveway on the site and SRR. Based on the number of vehicles going in and out during peak hours on a Saturday, this analysis yielded a favorable level of service, with the Level Service C-.how the intersection operates and how well it processes traffic through the intersection. Details the study....

Predominately 60% of vehicles leaving the site are turning left, to the southbound/Rt. 208/Rt. 4 connection....vehicles did have to wait sometime to make the left hand turn but on average it was an acceptable range. With the additional 20 vehicles during this peak hour, the level of service will not change in the letter grade but there will be some additional delay associated with these vehicles over the course of the hours making either a left or right turn coming off the site. The analysis is still within the acceptable level of service C.

Testimony continues....

Mr. Luglio discusses Parking. Reviews the numbers based on meetings and testimony. Reviews existing conditions. Speaks to the Ordinance and requirements. 83 required vs. 62 on site.

Mr. Luglio states 85-95 cars could be parked onsite through the Valet system and still maintain a Fire Lane coming through the site, in front of the site itself and turning all the way to the rear of the site without any obstruction with any valet parked vehicles on the site.

Mr. Luglio in ending, states he feels confident that the parking on the site based on the Valet operation, if need be, a 3<sup>rd</sup> valet added, would work up to 95 parking spaces. Reiterates from an increased traffic standpoint, the driveway and the intersection of Saddle River Road really remains unchanged from a level of Service standpoint but does have a slight increase of vehicles leaving the site itself.

Mr. Kataryniak (Board Traffic Engineer) states the Applicant did not formally submit the Traffic Report prior to tonight, so it's a lot of numbers to hear, he does not take exception to what he has said in the sense the method of analysis is sound but he would like to see the report and go through the report, a little more detail.

Mr. Luglio agrees to submit the report 2 weeks before the next meeting.

Mr. Kataryniak also recommends providing an Exhibit showing the number of parking spaces under the Valet system that actually fit on the site. He would like to consult with the Borough's Fire Chief in regards to additional striping that may have to be done to insure they maintain this access.

Mr. Luglio concurs.

Mr. Kataryniak questions the parking added to the rear of the site. He would like further testimony from Mr. Luglio on what he would consider in his opinion an appropriate use for these additional spaces. He has concerns regarding circulation, access of this area by the general public.

Mr. Luglio testifies from an operational standpoint, the public would not be parking themselves in this location and only during the peak time, these spaces will be utilized. They have up to 60 parking spaces in the front before these spaces are utilized. They are reserved spaces mainly to be utilized by the Valet system.

Mr. Kataryniak has concerns with the Line of Sight and the narrowness of the Drive Aisle...necks down to 19ft?

Mr. Rosenberg (Board Attorney) interjects to ask for the record that Mr. Kataryniak refer to the spaces in question by number on the Site Layout Plan...

Mr. Kataryniak concurs and refers to Exhibit A8/northeast corner of site, specifically parking spaces #61 through 67.

Mr. Luglio clarifies parking spaces in question....

Discussion on concerns with circulation of this area for Service Vehicles and two way circulation.

Mr. Luglio agrees to provide a turning template in his report for Garbage vehicles and would recommend parking spaces 60 & 61 would be the last two parking spaces to be utilized only

when the Valet system is in effect. All the parking in the back from 60-71 would only be accessed from the Valet standpoint.

Mr. Kataryniak agrees and speaks to the Trash enclosure, Signage restrictions...prohibiting access to the rear, valet only, etc...

Mr. Luglio concurs...will add signage in report.

Mr. Kataryniak reviews the location of the ADA parking spaces. He had ad concerns with the previous location but notes the revised plan has the handicap spaces moved back to the main drive aisle.

Discussion on parking space #10 being restricted to Compact or Valet only; Spaces #7, #8&9 open to the public when not a valet operation...

Mr. Luglio agrees with Mr. Kataryniak in noting that dead end parking aisle is not an ideal situation and addresses the concern...reiterating Operational practices, etc...

Discussion & Testimony continues.....

No further questions from Mr. Kataryniak at this time.  
No questions from Board Professionals.

Mr. Seibel (Board Member) questions the Trip Generation Manual....asking how the grade level is achieved. Does it take into consideration the size of the site?

Mr. Luglio explains the formula used and states it does not take the size of the site into consideration, just the number of vehicles that go in and out based on the number of seats...

Clarification on the formula obtained & discussion....

Mr. Luglio offers to put into his report how many more vehicles would trip the intersection into a problem situation and how many more additional seats there would have to be to do so.

Mr. Lowenstein questions testimony on the methodology. Referring to the two Field studies, asks Mr. Luglio in his opinion if two field operations are sufficient to generate the conclusion and analogies that has been put forward.

Mr. Luglio testifies yes. Many times one (1) Field observation is done and sometimes no Field observations are done for the proposed project. Explains.....

Questions continue regarding vehicle's coming southbound making a left hand turn into site, is there sufficient room for a vehicle to pass the turning vehicle?

Testimony states there is sufficient room. Curb to curb distance is 30ft.

Discussion continues...prior testimony is reviewed and reiterated.  
Concerns are discussed.

Operations of Valet parking is discussed. All vehicles would have to use Valet parking during peak hours. No self-parking is allowed.

Mr. Luglio testifies based on the current operation and number of people per car, the 95 parking locations on the site can handle the total number of additional seating that is proposed.

Mr. Kataryniak (Board Traffic Engineer) has one other question. Asks Mr. Luglio if he had looked at any crash experiences at the driveway.

Mr. Luglio states he has not, but there are two ways to look at crashes. One is to look at the crash rate on this section of roadway and the other is to do detailed investigation over the past 3 years from the Police Department.

Discussion continues.....

Mr. Kataryniak asks if he would be opposed to contacting the Police Department for a total number of accidents recorded for this area. Given the volume of traffic to the northbound on Saddle River Road and the proximity of the driveway to the Rt. 4 ramp, the line of site is close to being on the bubble in terms of standard requirements....

Mr. Luglio is not opposed to this at all, agrees to a time period of 3 years for accidents and will place the stopping site distance in his report also.

Discussion continues....

Mr. Kataryniak discusses enhancing the awareness of the driveway...

Mr. Luglio for clarification explains; the stopping site distance is vehicles coming off of Rt. 4 and the distance needed to stop if a car was trying to get into the site and was at a complete stop. He will provide this information in his report as well.

Mr. Azzolina (Board Engineer) asks if the Applicant has had any conversations with the County Planning Board being it is a County Road, County driveway. It possibly would be warranted with this application.

Discussion...Mr. Luglio testifies he will come up with whether it would be required or not required based on the facts and it will be in his report.

Mr. Seibel refers back to Mr. Lowenstein's question pertaining to the number of parking spaces...quotes; "64 parking spaces where expansion site would have 71 spaces where 114 spaces are required. Are these numbers accurate?"

Mr. Rosenberg clarifies the plan being reviewed by the Board is revised through 8/11/14...

Discussion and clarification made...64 parking spaces where expansion site would have 67 where 115 spaces are required.

Mr. Rosenberg notes that Saddle River Road does not allow on-street parking but are there any restrictions on Brookside Avenue?

Mr. Luglio testifies not that he is aware of.

No further questions from the Board Members.  
No further questions from the Board Professionals.

Mr. Newman opens to Residents living within 200ft. of the Applicant for questions of this witness.

*Ms. Bernice Katz (Sworn in)*  
*2-22 Saddle River Road*  
*Fair Lawn, N.J.*

Ms. Katz asks how he determined the speed limit on Saddle River Road.

Mr. Luglio states it is a 30mph posted speed. The design speed for this roadway would be 5 miles over this at 35mph as far as analysis is concerned.

Discussion of speed limit signs posting 30-35mph and another sign posting 40mph along Saddle River Road...

Ms. Katz asks Mr. Luglio if he is aware of tickets being given for going around vehicles or stopped cars in a single lane when a car goes to make a left hand turn...

Discussion continues...

Ms. Katz questions blockage of driveways for residents? The inconvenience to residents when the cars line up waiting for the Valet at this site. Did he consider this in the C-rating?

Mr. Luglio testifies he did see southbound vehicles obviously slowing down or having to stop before entering the site giving right-of-way to a northbound vehicle and both the existing and proposed was considered in the analysis.

Ms. Katz does not agree with the two (2) Field Observations. They do not truly represent the days of the week where there are high amounts of traffic going in and out of the site. Would he consider a Field observation being done in warmer weather where he can see the impact of the parking issue where the Restaurant has catered events and people all coming at one time?

Mr. Luglio testifies weather was not an issue on the days they did the count. What they try to do is get the peak number of vehicles going on and off the site which is the Friday & Saturday based on reservations...

Questions regarding Pedestrians. Overflow parking on Brookside and walking across Saddle River Road, a 40mph narrow 2 lane roadway. Will there be crosswalks?

Mr. Luglio addresses this by stating during his observation, he did not see anyone walking across Saddle River from parking on the street and the parking lot never reached 100% capacity.

Discussion continues.....

Ms. Katz questions the parking Ordinance for a Residential area and how they will get around the parking standard....

Mr. Luglio addresses this question and reiterates his prior testimony regarding the standards.

No further questions.

*Mr. Kevin Matt (Sworn in)*  
*40-14 Brookside Avenue*  
*Fair Lawn, N.J.*

Mr. Matt questions testimony on the Field observation. Testimony was; it was done during the busy times and at this time the restaurant was not at full capacity and Valet parking were stack parking the cars....if there is sufficient parking, why would they be stacking the cars?

Mr. Luglio testifies they keep the cars as close to the front door as possible so there were cars in the aisle and stacked while there were empty spaces.

Mr. Matt questions Exit Level C-will this change with a group event, when a mass group leaves?

Mr. Luglio from his standpoint when looking at the traffic, they look at an average condition, what happens on average day.

Testimony continues....he could add this to his report and look at how many people could leave at one point in time based on having 3 valet. All 95 vehicles will not be leaving at one time...

Mr. Matt points out that most will have to make the left...questions the activity along Brookside Avenue, the hat circle? Valet location? How many cars fit before backing into the road?

Testimony from Mr. Luglio addressing these questions....reiterating this is not an intense situation as far as Valet is concerned...this is not an overwhelming number of vehicles that come to the site that the 3 valet persons could not handle.

Mr. Newman (Chairman) seeks the opinion of the Board Traffic Professional, Mark Kataryniak on his opinion regarding Brookside Avenue.

Mr. Kataryniak testifies he is familiar with Brookside, notes it is relatively close...approximately 60-70ft. from the northerly edge of the site driveway.

Mr. Newman would kindly ask both Traffic Professionals in their next report to give an opinion as to whether or not U-turns on Brookside could be hazardous? If it is both their determination this is a hazard, perhaps we could then suggest to the Counsel to post a No U-Turn on Brookside.

Mr. Kataryniak agrees to this and notes there is potential options for some additional regulatory controls that could be placed at this intersection, striping, etc...

Discussion.....

Mr. Matt questions the width of road of 30ft. and at 35mph does Mr. Luglio consider this sufficient for passing at 35mph and did he monitor the speed of the cars coming down the ramp?

Mr. Luglio testifies yes to the 1<sup>st</sup> questions and no to the 2<sup>nd</sup>.

No further questions.

No questions from Residents living within 200ft. of the Applicant. Portion closed.

**General Public:**

*Lesley Boghosian-Murphy  
3 Sandow Court  
Fair Lawn, N.J.*

She questions these observations or studies were based on the average lunch or dinner? Were there ever tests done when everyone was coming or going at the same time at any point?

Mr. Luglio testifies no. They did not observe this and will be something he will include in his report of how many people really could leave at one point in time, what the worst case would be.

Discussion.....

Mr. Newman (Chairman) again asks both Traffic Professionals if from a calculation standpoint, they could meet with Applicant to see if between now and the next meeting if there are any large parties planned where this could be observed and count them.

Both Mr. Kataryniak & Mr. Luglio agree.

Ms. Murphy questions Signage and stopping distances.

Mr. Luglio testifies and reiterates he will be looking at the stopping distance of cars coming off of Rt. 4 in the vicinity of the driveway and in addition can also look at what the average speed is during the peak of Saddle River Road and during the peak of the Restaurant....

Discussion continues...

No further questions.

Mr. Matt comes back up to the podium for one more question. (Previously sworn)  
Questions the average width of a parking space. Number of parking spaces, etc...calculations come out to the parking lot being over 7000sf too small.

Discussion and continued testimony...

Ms. Katz steps back up to the podium (Previously sworn)

Ms. Katz would like the speed of the cars coming southbound added into the report because the cars that are stopped making the left hand turn into the driveway, brake lights go on and off, it's hard to judge and the turning of the cars from Brookside onto Saddle River Road. A lot of accidents happen here...

Traffic Engineers agree to this request.

No further questions from the General Public.

Portion is closed.

Mr. Kataryniak (Board Traffic Engineer) questions Mr. Luglio on the cars q-ing with the Valet entering the site, can he indicate for the Board on Exhibit A8-or give a parking space number as to the location of where the 1<sup>st</sup> car would stop to be serviced by the Valet?

Mr. Luglio testifies he does not have the most current plan with him...its closest to parking space 39.

Discussion continues...

No further questions...

Discussion on dates for a special Meeting...

**Application carried to a Special Meeting date of March 12, 2015.  
No further notice required.**

**Adjourn:**

Mr. Pohlman makes a motion to adjourn and Mr. Naveh seconds the motion.

All Present: AYE.

Time: 9:00pm

Respectfully submitted,

Cathy F. Bozza  
Zoning Department Assistant

