

**BOROUGH OF FAIR LAWN  
ZONING BOARD OF ADJUSTMENT  
Special Meeting Minutes  
Of May 4, 2015**

Following are the minutes of the Fair Lawn Zoning Board of Adjustment's Special meeting held on May 4, 2015

Chairman Todd Newman called the regular meeting to order at 7:10 p.m. and declared that the meeting was being held in accordance with the Open Public Meeting Law.

**Roll Call:** Present: Mr. Seibel, Mr. Blecher, Ms. Perchuk, Mr. Lowenstein,  
Mr. Puzio, Mr. Racenstein, Mr. Naveh, & Mr. Newman.

Absent: Ms. Baratta, Mr. Pohlman & Mr. Zharnest

Also in attendance: Board Attorney: Bruce Rosenberg, Court Reporter; Candice Galaraza Assistant Zoning Officer; Ann Peck & Assistant Zoning Secretary; Cathy Bozza

All Board Professionals in Attendance:

**Commercial Business:**

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' exists 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 67 spaces where 115 spaces are required. All other variances and/or waivers that may be required for this application.

Mr. Socrates Lambrinides (Applicant's Attorney) steps forward, states he would like to bring forth his Professional Architect to review changes to the plan.

Mr. Newman swears in: Demetrios Kaltsis  
901 80<sup>th</sup> Street  
North Bergen, N.J.

Mr. Kaltis steps forward & reviews changes to the plan with the Board Members. Explains revision will remove the prior proposal of a Copper roof and replace with a Brown/Bronze roof similar to the adjoining buildings to blend better. Awnings will be replaced with new ones, details setbacks, etc...

Mr. Newman at this time swears in Board Professionals.  
No questions at this time.

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

Mr. Newman swears in: Bernice Katz  
2-22 Saddle River Road  
Fair Lawn, N.J.

Ms. Katz questions what is the color of the existing Awnings?

Mr. Nick Panteleakis (Applicant) steps forward to address this question.  
States existing Awnings are Teal Green/Brown & Yellow.

Mr. Newman swears in: Mr. Panteleakis

No questions from Board Members.

No questions from Residents living within 200ft. of the Applicant for this witness.

No questions from the General Public of this witness.  
Mr. Newman closes this portion.

Mr. Lambrinides (Applicant's Attorney) calls his 2<sup>nd</sup> witness. Mr. Bruce Rigg.

Mr. Newman swears in: Mr. Bruce Rigg (Professional Engineer)

Mr. Rigg introduces Exhibit into evidence which is marked as Exhibit A-15.

Mr. Rigg reviews the proposed plan with the Board and speaks to Landscaping Plan. Speaks to the planting of Shrubbery vs. Retaining Wall...positive and negative...

Discussion with Board Professionals regarding proposed landscaping plan. Being it is a County Road, the County would have to agree to the planting...

Discussion on conditions being placed contingent on City Approval...

Discussions continue amongst Board Members. They prefers wall to shrubbery. Applicant agrees to install a wall along the front exterior, facing street, no higher than 30." The Architectural aspect should be consistent with façade..

Discussion continues....

No further questions from Board Members.

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

Ms. Bernice Katz (previously sworn) has questions regarding the testimony given in regards to design and issues with glare.

No further questions.

Mr. Newman swears in: Robert Nowack  
39-35 Brookside Ave  
Fair Lawn, N.J.

Discussion continues.....

No further questions.

Mr. Newman opens to the General Public for questions of the witness.

Mr. Newman swears in: Ms. Lesley Boghosian  
3 Sandow Court  
Fair Lawn, N.J.

Discussion continues.....

No further questions.

Mr. Newman questions the Public regarding issues with glare from headlights and takes a poll on who would prefer the wall. No comments from the public

Mr. Newman withdraws the request for a low wall based on the Resident's reaction.

Board Engineer, Paul Azzolina after lengthy discussion recommends low height landscaping with irrigation. Not to exceed 30" site triangle & 36" in other sections.

Maintenance Bond is discussed. 24 Months recommended and agreed to by Applicant.

CME Report is reviewed. Board Planner, Paul Kittner recommends a D-1 variance for banquet use....Issues discussed.

Applicant is not interested in D-1 variance. They will not have Banquet Functions. The restaurant will only be used as a restaurant.

Discussions continue...

Applicant's Architect, Mr. Kaltis is brought back to testify. Refers to Exhibit A2-The Architectural Plan. Discussion on the maximum occupancy of the largest room is 120? He testifies it is too compartmentalized to perform Banquets.

Mr. Panteleakis (Applicant) steps back up to explain the operations of the Restaurant. It is determined the largest party that could possibly work is 106 maximum. He explains whatever party is taking place, the restaurant remains opens and the Bar remains open.

Board Members clarify operations regarding his testimony.  
Discussion continues....

Conditions agreed to by the Applicant, Mr. Panteleakis regarding this topic.

1. Single Parties-no larger than 106
2. Bar Seating-30 Seats

Board Planner Paul Kittner agrees with Chairman on these conditions.

**RECESS:** 5 Minutes

**Roll Call:** Mr. Seibel, Mr. Blecher, Ms. Perchuk, Mr. Lowenstein,  
Mr. Puzio, Mr. Racenstein, Mr. Naveh & Mr. Newman.

Mr. Newman opens to Residents within 200ft. for questions only on testimony heard.

Mr. Newman swears in: Kenneth Maat  
44 Brookside Avenue  
Fair Lawn, N.J.

Mr. Maat questions Valet Parking Operations...

Mr. Robert Nowack steps forward (previously sworn) and asks what constitutes the difference between a Catering Hall & Restaurant.

Discussion....

No further questions.

Mr. Newman opens to the Members of the General Public for questions only.

Ms. Leslie Boghosian steps forward (previously sworn) questions maximum use between Banquet and Restaurant...what is the point? What does it matter?

Enforcement issues are discussed to alleviate concerns of residents.

Mr. Newman swears in: Craig Miller  
5 Ramapo Terrace  
Fair Lawn, N.J.

He questions if the number 106 maximum occupancy includes employees?

Discussion....

No Further questions.

Mr. Newman closes this portion.

Mr. Newman opens to the General Public for comments.

Ms. Bernice Katz submits picture of flooding taken by her. Speaks to all variances & issues; traffic, parking, accidents. Feels it is a disruption to the Residential area. Residents do not want a Catering Hall.

Mr. William S. Ruggles submits pictures taken by his home. Quality of life will be affected. Detrimental to the Public good. Flooding issues have increased. Cramped Parking, increase in traffic, no pedestrian crosswalk, etc..

RECESS:

Mr. Newman calls Meeting back to order.

Continuation of Public Comment....

Mr. Ken Maat speaks to his concerns regarding expansion of the Restaurant. Reiterates parking issues, traffic concerns, residential upset. Concerns on the impervious coverage increase 2X more than allowed. Submits pictures which are marked as O-4-details photos, locations, etc...

Discussion...pictures were taken at Soccer event showing parking issues.

Mr. Newman (Chairman) states he sees no relation to Restaurant expansion...

Discussion continues.....

Mr. Nowack speaks to fatal accidents and flooding in area.

Ms. Leslie Boghosian speaks to conflicting testimony during hearings. Believes the intent is to be a Catering Hall regardless of what the Board has heard. Refers to the Public Good to the Residents...

*Mr. Padhu Sundaian*, speaks to his concerns with the parking, traffic during evening hours and the lack of pedestrian walkways...

No further Statements.

Mr. Newman asks if there are any questions from the Board Members. Seeing none, Mr. Newman asks if there are any questions from Residents, seeing none, Mr. Newman closes this portion.

RECESS:

**Roll Call:** Mr. Seibel, Mr. Blecher, Ms. Perchuk, Mr. Lowenstein, Mr. Puzio, Mr. Racenstein, Mr. Naveh & Mr. Newman. Present.

Mr. Newman asks Mr. Socrates Lambrinides (Applicant's Attorney) to summarize.

Mr. Newman does a clarification on all testimony...

Total number of seats proposed: 189 + 20 Outdoor Café

Hours of operations: 11:00 a.m. to closing.

The total square footage of existing space is being reduced from 6,784sf to 6,234sf.

Board Deliberation takes place. Discussion reviewing all issues and concerns of residents...

Mr. Newman feels the expansion is too overwhelming for the neighborhood and the negative criteria weighs heavily on him....

Board discussions continue...

Mr. Lowenstein makes a motion to approve the application with conditions and Mr. Racenstein seconds the motion.

**VOTE:** Mr. Blecher, Mr. Seibel, Ms. Perchuk, Mr. Lowenstein, Mr. Puzio  
Mr. Racenstein. **YES.**

Mr. Newman, **NO.**

**Motion Carries. 6-1**  
**Application Approved.**

**Adjourn:**

Mr. Seibel made a motion to adjourn the meeting and Mr. Racenstein seconded the motion.

**TIME:** 10: 15 P.M.

**VOTE:** All Present - AYE.

Respectfully submitted,

Cathy Bozza  
Zoning Board Clerk