



AZZOLINA & FEURY ENGINEERING, INC.

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September 18, 2006

Zoning Board of Adjustment
Borough of Fair Lawn
Municipal Building
8-01 Fair Lawn Avenue
Fair Lawn, New Jersey 07410

Re: Site Plan Review for
Sebastian Lentini (McDonald's Restaurant)
Block 2320, Lots 10, 11 & 12
Our File No. FL-24

Dear Board Members:

Please be advised that we are in receipt of and have reviewed the following items:

- a drawing entitled "McDonald's Restaurant, Route #4, Fair Lawn, N.J., Block 2320, Lots 10 & 12," DWG NO. A1 of 1, dated 3/14/01 and revised through 7/6/05, as prepared by William Houthuysen, A.I.A., Architect, of Clifton, New Jersey,
- a drawing entitled "Site Plan, Signage, McDonald's Restaurant, Route #4, Fair Lawn, N.J., Block 2320, Lots 10 & 12," DWG NO. II of II, dated 12/19/05, as prepared by William Houthuysen, A.I.A., Architect, of Clifton, New Jersey,
- a set of drawings entitled "Sign Plan", Sheet No. 1 of 2 and "Sign Details", Sheet No. 2 of 2, McDonalds Restaurant, Block 2320, Lots 10 & 12, NJ.S.H. Route 4 & 37th Street, Township of Fairlawn, Bergen County, N.J." as prepared by Dynamic Engineering Consultants, PC. Of Lake Como, New Jersey.

Pursuant to our review of these items, as well as our review certain other drawings and documents (referenced hereinafter) and contained within the archive files of the Zoning Board of Adjustment of the Borough of Fair Lawn and field inspections of the subject site, we offer the following comments at this time:

I. Location and Description of Tract

1. The subject property is located at the intersection of Broadway (NJSH Route 4) and 37th Street.

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2. The subject property is primarily situated within the B-2, General Business Zoning District with the portions of the existing parking lot and drive-thru facility situated in the R-1-3, One Family Residential Zone.
3. The subject property is an irregularly shaped "Corner Lot" with 1 frontage along Broadway, 36th Street and 37th Street.
4. The "Site Plan" drawings referenced hereinabove are generally accurate with respect to the depiction of signage and other traffic control measures as they presently exist on-site, with the exception of:
 - a) the temporary barriers recently installed at the ingress-only driveway abutting 37th Street, by the Borough of Fair Lawn pursuant to Mayor and Council Resolution No. 276-2006, dated August 15, 2006 (copy attached),
 - b) the existing chain barrier which is no longer in-place and
 - c) the existing regulatory signs pertaining to allegedly unauthorized parking and ingress movements from the McDonald's site to the IHOP site.
5. In this regard, we recommend that the Site Plan as prepared by Dynamic Engineering Consultants, PC, be revised to reflect the location, dimension and wording of all existing signs so that the same may be used as a Base Map for any and all modifications contemplated under the subject application.

II. Applicant's Proposal

1. The applicant is seeking amended Site Plan approval to permit the applicant to:
 - a) Install certain Regulatory Signs (i.e. McDonald's Parking Only, designated as sign "A" and "A1" on the Sign Plan") a modified form of which are already in-place at various locations throughout the site. These sign, however, were apparently installed by the applicant without first obtaining a sign erection permit from the construction or zoning official, as required pursuant to RGO 125-41.J(1),
 - b) Retain the existing 4'-4" aluminum fencing placed along three sides of the small lawn area located at the front of the building.
 - c) Install other standard and "non-standard" Regulatory Signs to provide greater direction and control at the existing drive-thru facility.

- d) Install other “non-standard” Regulatory Signs (designated as sign “O” and “P” on the Sign Plan”) at the Broadway ingress and construct a one-way automatic gate at the portion of the property currently used as a driveway connecting the subject property and the abutting Lot 3, (the International House of Pancakes, IHOP, restaurant site) whereby this driveway shall function as an **egress only** for vehicular traffic originating at Lot 3 and accessing Broadway via Lot 12 (McDonald’s).

III. Zoning

1. With respect to the proposed traffic control sign modifications, we note that signs for *traffic controls in private ways and parking lots* are exempt from the provisions of the Borough’s Sign Ordinance with the exception of permit provisions, as stipulated under RGO Section 125-41.G(5). Notwithstanding this statutory exemption, the applicant is, seeking amended preliminary and final site plan approval for the proposed sign modifications in accordance with the requirements of RGO 125-6.
2. With respect to the existing fence the applicant is seeking Amended Preliminary and Final Site Plan approval to maintain the existing fencing in its current location and its current height. With respect to the height of this fence, we note that Section 125-38.A. of the Code reads as follows:

In all residential areas, no fence, wall or hedge shall exceed six feet in height, except that within the required front yard setback area and corner lot transition area, no fence, wall or hedge shall exceed three feet in height.
3. While the subject fencing is located within the B-2 section of the property, it is our understanding that it has been the Borough’s policy to enforce the three feet limitation in all zoning districts. The Board is therefore asked to review this matter and determine if variance relief shall be required in this instance.

IV. Site Plan Review Comments

1. Traffic Control Signs

- a. The existing Regulatory Signs regarding unauthorized parking contain specific language with respect to the towing of the vehicle. The Construction Details for Proposed Signs “A” and “A1”, however, do not include this same warning. The applicant’s Engineer is asked to provide specific testimony in this regard.
- b. The dimensions of proposed sign “A” and “A1” shall also be reconciled with respect to the dimensions indicated in the Title and Body of the Detail.
- c. Proposed Signs “D”, “G”, “J”, “N”, “O” and “P” are indicated as having green background and white lettering. In this regard, we note that Regulatory Signs such as these typically have a white background and black or red lettering. The applicant’s Engineer is asked to provide specific testimony in this regard.
- d. The plan shall be revised to reflect the dimension of proposed Sign “F”

2. Cross Access and Internal Circulation

- a. As noted hereinabove we have completed a cursory review of the Board’s archive file for the subject property and the abutting IHOP property. With respect to the matters of Cross Access and Internal Circulation we note the following:
 - i. There is a Plan dated 11/21/69 entitled “Proposed Office Space, For Existing 1 Story Building For IHOP #46-3, 37-13 Broadway, Block 2321 Lot 2, Fair Lawn, N.J. as prepared by Harry T. Clinton III, AIA, Architect. This drawing is stamped “Print of Variance Granted By Board of Adjustment Borough of Fair Lawn” and reflects “Leased Parking” for 20 cars on the McDonalds site.
 - ii. There is a Resolution of the Zoning Board of Adjustment of the Borough of Fair Lawn, dated January 3, 1983, wherein on Page 4 under item “e” it is stated that: *The applicant has provided a revised site plan dated December 6, 1982, which shows the elimination of the barrier between Lot 3 (International House of Pancakes property) and the subject Lots 11 and 12. The removal of this barrier will provide the adjacent Lot 3 with free access through the rear portion and exit drive of McDonald’s Lot.*

- iii. The Decision of the Superior Court of New Jersey, Appellate Division, which reads as follows at Page 14 of the same: *Nor did it address the uncontradicted testimony of Alaimo, who described some near accidents and "close calls." To the contrary, the record is replete with testimony indicating that plaintiff's proposal improved the line of sight for vehicles leaving the parking lot and widened the shared entrance between IHOP and McDonald's.*
- b. It is assumed that the recent closure of the 37th Street driveway may result in a reduction of the number of vehicles attempting to enter the IHOP site from the McDonald's site. The Board may therefore wish to have the applicant provide specific testimony as to the peak number of vehicles attempting to enter the IHOP site at this time as compared to prior to the driveway closure.
- c. With respect to the closure of the 37th Street ingress, the Board may wish to have the applicant provide testimony with respect to any impact the same may have had relative to the number of customers served at this site and access by oversize vehicles for deliveries and the removal of solid waste.
- d. As observed during each of our visits to the site, approximately five vehicles are parked in a single stack formation along the existing egress drive located on the west side of the IHOP Building. Consequently, the only available means of egress from the IHOP property is through the McDonald's site.
- e. If a parking deficiency is found to exist on the IHOP property and assuming the respective property owners are unable to reach a mutual agreement as to "shared parking facilities" we note that IHOP as the owner of Lot 2 in Block 2320 could elect to remove the existing office building and construct a \pm 20 car parking facility in this same location and utilize its existing NJSH Route #4 egress driveway.

V. Recommendations

1. Should the Board vote in favor of this application, it is the recommendation of this office that the following conditions be included in any such Resolution of Approval:
 - a) the Site Plan drawings shall be revised/supplemented in accordance with the comments contained herein and/or in accordance with the directives of the Board and
 - b) the applicant shall obtain all required agency approvals, including, but not limited to:

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Borough of Fair Lawn

- Construction Code Official
- Fire Official
- Zoning Board Engineer

If there are any questions, please feel free to call.

Very truly yours,
AZZOLINA, FEURY ENGINEERING INC.

Zoning Board Engineers

Paul Azzolina, P.E.

DOC: FL24AmendedSPR1

cc: Dennis Kolano, Construction Official/Zoning Officer
Sebastian E. Lentini, c/o Paul Salvatoriello, Esq.