



Via Facsimile and Regular Mail

Borough of Fair Lawn
Zoning Board of Adjustment
8-01 Fair Lawn Avenue
P.O. Box 376
Fair Lawn, NJ 07410

September 21, 2006
Job No. 2-07160-000102

Attn: Carol LoPiccolo, Zoning Board Clerk

Re: Board of Adjustment Case No. 2006-018
Applicant: Sebastian E. Lentini (McDonald's)
37-01 Broadway
Amended Preliminary and Final Site Plan Approval
Block 2320, Lots 10-12
Second Review - Traffic

Dear Board Members:

Birdsall Engineering Inc. (BEI) had received a Zoning Board of Adjustment application and associated documents for the subject property. The subject application was for an amended site plan to allow signage, fencing, and a one-way automatic gate. Our office had prepared a review of same, referenced as First Review – Traffic, dated April 3, 2006. Subsequent to the issuance of our report, the Borough of Fair Lawn had adopted Resolutions on June 13, 2006 (Resolution No. 226-2006) and on August 15, 2006 (Resolution No. 276-2006) regarding the temporary then permanent closure of the existing ingress only driveway on 37th Street.

Our office is in receipt of the following items in support of the above referenced application:

- One (1) set of plans entitled, "Sign Plan and Sign Details, McDonald's Restaurant, Proposed Signage Improvements, Block 2320, Lots 10 & 12; NJSH Route 4 & 37th Street, Township of Fair Lawn, Bergen County, New Jersey," consisting of two (2) sheets, dated 3/2/06, prepared by Dynamic Engineering Consultants, PC.
- An Application to the Zoning Board of Adjustment.
- The January 3, 1983 Resolution of the Zoning Board of Adjustment of the Borough of Fair Lawn granting site plan and variance approval for the operation of a McDonald's restaurant.
- The June 20, 2005 Resolution of the Zoning Board of Adjustment of the Borough of Fair Lawn granting site plan and use variance approval for the operation of a drive-through facility at the pre-existing McDonald's Restaurant.

<input checked="" type="checkbox"/> 611 Industrial Way West Eatontown, NJ 07724-2213 P 732.380.1700 F 732.380.1701	<input type="checkbox"/> 529 Route 9 Barnegat, NJ 08005-2120 P 609.698.1144 F 609.698.6814	<input type="checkbox"/> 95A Connecticut Drive Burlington, NJ 08016 P 609.239.4378 F 609.239.4567	<input type="checkbox"/> 560 Hudson Street Hackensack, NJ 07601 P 201.562.1500 F 201.562.1501
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- An approved site plan entitled, "McDonald's Restaurant, Route 4, Fair Lawn, NJ, Block 2320, Lots 10 & 12," dated 7/6/05, prepared by William Houthuysen, A.I.A. architect.
- The Superior Court Appellate Division's Ruling for the case of Sebastion Lentini (Plaintiff) vs. the Board of Adjustment of the Borough of Fair Lawn, the Mayor and Council of the Borough of Fair Lawn, and the Public Advocate for the Board of Adjustment of the Borough of Fair Lawn (Defendants), argued April 12, 2005 and decided May 19, 2005.

We have reviewed the materials submitted by the Applicant as well as the above referenced Resolutions recently adopted by the Borough and amended our report for your consideration on traffic related matters.

Description:

The subject property contains a McDonald's restaurant. It is located at the southwest corner of Broadway (NJSH Route 4) and 37th Street. Access to the site is provided by one one-directional ingress-only driveway on Broadway (at a signalized intersection), a right-turn egress-only driveway on Broadway, and a two-directional ingress-egress driveway that connects the subject property to an adjacent site (the I.H.O.P. restaurant on the adjacent Lot 3). A one-directional ingress-only driveway on 37th Street has recently been closed through action taken by the Borough, and the driveway presently contains temporary barriers.

The Applicant has obtained two prior approvals from the Zoning Board of Adjustment. A January 3, 1983 Resolution of the Zoning Board of Adjustment of the Borough of Fair Lawn had granted site plan and variance approval for the operation of a McDonald's restaurant. A June 20, 2005 Resolution of the Zoning Board of Adjustment of the Borough of Fair Lawn had granted site plan and use variance approval for the operation of a drive-through facility for the pre-existing McDonald's Restaurant.

Applicant's Proposal:

Currently, the Applicant seeks to amend the site plan to allow the installation of signage, fencing, and a one-way automatic gate at the portion of the property used as a driveway connecting the subject property with the neighboring International House of Pancakes (I.H.O.P.) on Lot 3. The gate is proposed to restrict driveway movements to egress only for vehicles accessing NJSH Route 4 from Lot 3 via Lot 12.

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Comments:

1. The January 3, 1983 Resolution of the Zoning Board of Adjustment of the Borough of Fair Lawn established cross access between the proposed McDonald's site and the existing I.H.O.P. restaurant. The cross access was illustrated on a December 6, 1982 Site Plan as referenced in the Resolution. The cross access was also a point of discussion in the hearings leading up to the aforementioned June 20, 2005 Approval, with representatives from IHOP supporting the need for widening the cross access and improving sight lines for increased traffic safety. The Applicant is now proposing to change the nature of the existing traffic flow through the cross access, by eliminating the two-directional access driveway into the neighboring I.H.O.P. restaurant and limiting the access to westbound movements only. This modification will effectively change the circulation created by the 1982 site plan and will affect the available site access to the I.H.O.P. restaurant on neighboring Lot 3.
2. The Applicant should provide the Board with documentation describing the location and terms of the cross access between the McDonalds and the I.H.O.P. sites since its establishment as depicted on the 1982 Site Plans.
3. The nature of the internal circulation and traffic flow throughout the surrounding street network will be effected by the elimination of the cross access for eastbound traffic, which provides an ingress movement for the I.H.O.P. restaurant. A traffic report should be prepared addressing:
 - a. The effects on the existing operations at the I.H.O.P. restaurant. No information has currently been provided.
 - b. How the existing eastbound traffic utilizing the cross access will enter the I.H.O.P. site. No information has currently been provided.
 - c. Changes to existing traffic patterns should be evaluated for operational impacts. No information has currently been provided.
 - d. A comparison between the current circulation and the recirculation at both sites. No information has currently been provided.
 - e. The existing parking problem of I.H.O.P. patrons parking at the McDonald's lot should be described and an explanation provided as how the gated access will not exacerbate this existing problem.
 - f. The potential traffic impacts on the intersections along Broadway as a result of the revised circulation to the I.H.O.P. site should be addressed.

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4. The Applicant should provide testimony to the Board to demonstrate that the changes in the site circulation to both the McDonalds and the I.H.O.P. facilitated by the proposed gate will not adversely affect the safety in the vicinity of the site.
5. Since the cross access has been present for a considerable period of time, the Applicant should address how eastbound vehicles on NJSH Route 4 destined for the I.H.O.P. will be directed for access to the site.
6. The Superior Court Appellate Division's Ruling, dated May 19, 2005, contains statements of support from the I.H.O.P. representatives based on improving the safety of the cross access. Since the Applicant's current proposal eliminates an access to the I.H.O.P. property, we recommend that the Board consider I.H.O.P. disposition on the current matter and require the Applicant to provide testimony regarding same.
7. With respect to the site signage, I have the following comments:
 - a. The sign plan should illustrate the traffic control striping since it directly relates to the on-site signage.
 - b. The signing and striping should be revised to reflect the current conditions. All signage as it presently exists on the site should be illustrated on the plans prepared by Dynamic Engineering, and all proposed signage should be clearly shown on the plans.
 - c. The former ingress driveway at 37th street should be permanently closed with an extension of the concrete curb.
 - d. A "One Way" sign should be placed at the former ingress driveway to emphasize the one-way southbound circulation along the western most drive aisle.
 - e. A "No Left Turn" sign should be provided at the entrance to the site from NJSH Route 4.
8. The limits of the proposed fencing, as indicated on the application, should be clearly delineated on the plans. The plans should also include appropriate details for the fence installation as required.
9. Assuming the installation of the gate and change of circulation is considered by the Board, the following information should be provided:
 - a. Testimony should be provided on the operations of the gate.

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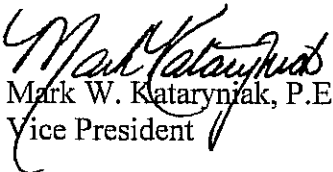
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- b. The effect of the gate operations on potential vehicle stacking within the I.H.O.P. lot.
- c. If approved by the Board, the Applicant should provide detailed plans of the gate construction illustrating its installation, and activation mechanism.

I will be in attendance at the Special Hearing for this matter scheduled for September 28, 2006 to listen to the testimony by the Applicant and respond to any questions the Board may have. If you have any questions or require additional information prior to the scheduled hearing, please do not hesitate to contact my office at (732) 380-1700, Ext. 1226.

Very truly yours,

BIRDSALL ENGINEERING, INC.


Mark W. Kataryniak, P.E., P.T.O.E.
Vice President

MWK:CEM:aic

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