

#21-008

**RESOLUTION OF MEMORIALIZATION GRANTING PRELIMINARY
AND FINAL SITE PLAN APPROVAL TO GEORGE MARKOU TO
PERMIT A ONE-STORY ADDITION TO THE REAR OF AN EXISTING
BUILDING AND OTHER RELATED IMPROVMENTS ON LOT 16 IN
BLOCK 61**

**Approved: September 22, 2021
Memorialized: October 27, 2021**

WHEREAS, George Markou is the owner of Lot 16 in Block 61 as noted on the Tax Map of Borough of Mt. Arlington, having a street address of 199 Howard Boulevard;

WHEREAS, Mr. Markou operates an existing restaurant on the Property known as “Pub 199”; and

WHEREAS, Mr. Markou is seeking to construct an addition to the restaurant, reconfigure and expand the parking lot, remove an existing storage shed, and install a new dumpster area and storage shed; and

WHEREAS, Mr. Markou submitted an Application for Development with the Borough of Mt. Arlington Land Use Board (“Board”) on or about May 21, 2021, requesting preliminary and final site plan approval to allow the aforesaid improvements on the Property; and

WHEREAS, Mr. Markou’s plan conformed to the Borough’s site plan ordinances and the standards in the B-1 zone and did not require bulk variance relief; and

WHEREAS, Mr. Markou submitted with his Application plans entitled “Preliminary and Final Major Site Plan For; Pub 199, 199 Howard Boulevard-Block:61, Lot:16, Borough of Mt. Arlington, Morris County, New Jersey” prepared by Fox Architectural Design, P.C., dated May 21, 2021 consisting of six sheets; and

WHEREAS, Mr. Markou submitted with his application the appropriate fees and escrow deposits; and

WHEREAS, the Application was deemed administratively complete by the Board’s Engineer on August 18, 2021, and a public hearing was subsequently scheduled and held on September 22, 2021, notice being required and lawfully provided; and

WHEREAS, the Board Engineer David P. Clark, P.E., issued several reports regarding the Application prior to the public hearing, the most dated September 17, 2021;

and

WHEREAS, the Board's Planner, Jessica P. Caldwell, P.P., also issued a report dated September 21, 2021; and

WHEREAS, the conclusion of the public hearing on September 22, 2021, the Board rendered a decision on the Application in accordance with the requirements set forth in N.J.S.A. 40:55D-10(g);

WHEREAS, the Board received as part of the hearing process the following testimony and documentary evidence:

Mr. Markou briefly testified that he was the owner of the Property and operated Pub 199. He informed the Board that he was hoping to construct the addition to allow for an area in the restaurant which would be used only to serve patrons dessert which he did not currently do.

Mr. Markou also had his architect Ken Fox, A.I.A., P.P., testify. Mr. Fox stated that the addition would be constructed in the right rear of the building and would serve as a dessert room where coffee, tea, and desserts would be served. Mr. Fox indicated that following dinner, patrons would move from the dining room to the dessert room if they choose. He noted that the restaurant use is permitted in the B-1 zone and no variance relief was be needed.

Mr. Fox explained that Mr. Markou did not want to increase impervious coverage on the Property or create and other non-conforming conditions. Therefore, he indicated that the addition was to be erected over existing impervious coverage. Mr. Fox also discussed the architectural features associated with the addition and detailed for the Board the interior floor plan. Mr. Fox noted that the addition would not be visible from the street as illustrated in the elevations he presented.

Mr. Fox also indicated that Mr. Markou would upgrade his parking facility, although Mr. Fox assured the Board that he would continue to meet the 180 parking spaces required under the Borough's ordinances. Mr. Fox also said that the Applicant would be removing his existing storage shed and dumpster and relocating both to another area on the Property. Mr. Markou interjected that he would only use the storage shed to store equipment and salt needed for inclement weather. He indicated that he would not store hazards materials. He also assured that Board that garbage collection would still take place in the morning before the restaurant opened.

Due to a slight increase in impervious coverage, Mr. Fox did agree to work with Mr. Clark to address any increase in stormwater run off in accordance with the Borough's Stormwater Ordinance. Nonetheless, Mr. Fox was confident that the existing stormwater runoff drainage pattern for the Property could continue to handle any increase in runoff from the additional impervious surface.

After Mr. Fox concluded his testimony, he was questioned by Board Members about

various aspects of the project.

WHEREAS, the Board after hearing the testimony delivered and the documentary evidence provided, made the following findings of fact and conclusions of law:

1. The Board finds that the Applicant is seeking preliminary and final site plan approval to construct an addition to his existing restaurant, reconfigure and increase parking spaces, and replace and relocate an existing storage shed with a new dumpster enclosure and shed. The Board finds that the proposal is in compliance with all of the bulk requirements set forth in the B-1 Business Zone and that no variance relief is required.
2. The Board finds that Mr. Markou's proposal is also consistent with the relevant site plan requirements for the zone and is thus entitled to preliminary and final site plan approval.


NOW, THEREFORE, BE IT RESOLVED by the Land Use Board of the Borough of Mt. Arlington, County of Morris, State of New Jersey that the Application filed by George Markou seeking preliminary and final site plan approval for the Property known as Lot 16 Block 61, in the Borough of Mt. Arlington as more particularly described in the plans entitled, "Preliminary and Final Major Site Plan For; Pub 199, 199 Howard Boulevard-Block:61, Lot:16, Borough of Mt. Arlington, Morris County, New Jersey" is hereby approved subject to the following terms and conditions:

1. Prior to the issuance of a Certificate of Occupancy for the proposed addition, the Applicant shall ensure that there is adequate sight distance at the entrance of the Property at Howard Boulevard. The Applicant agrees, if necessary, to trim or replace any vegetation located at the entranceway which may impede a motorist's line of sight.
2. The Applicant will address to the Board Engineer's satisfaction any modifications to the Property's existing stormwater runoff drainage pattern to accommodate the increase in impervious surface. The Applicant shall provide calculations that support the validity of the stormwater drywall capacity, particularly as this applies to the required stormwater management calculation revisions.
3. The Applicant shall solicit and comply with any recommendations made by the Mt. Arlington fire department regarding accessibility to the entrance of the building as proposed.
4. As a condition to the issuance of the Certificate of Occupancy for the addition, the Applicant shall produce evidence to the Board Engineer's satisfaction confirming that there are at least 180 parking spaces on the Property.
5. The Applicant shall provide all elevation views in the correct manner.

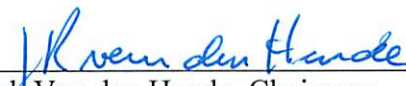
6. The Applicant will revise the plans to show a fence enclosure on a concrete pad next to the relocated shed to house the garage dumpster. The Applicant will modify its storm water management plan to the extent this revision makes same necessary.
7. The Applicant shall further amend its plans as per the representations made at the public hearings and the comments from the Board Planner, Board Secretary, and Board Members.
8. The approval of the Morris County Soil Conservation District.
9. All other State, County, and Municipal regulatory agency reviews that may be necessary must be obtained.
10. No construction permits of any type shall be issued by the Construction Code Official of the Borough of Mt. Arlington until all Board escrow fees have been paid, a Resolution of Approval has been memorialized and appropriately signed by the Board, and the Construction Code Official has received final plans appropriately signed by the Board Chairman, Board Secretary, and Board Engineer.
11. Pursuant to the provisions of N.J.S.A. 40:55D-39 and 55D-65, the Applicant shall provide proof that no taxes or assessments for local improvements are due on the Property.
12. The Secretary of the Board shall file a copy of this Resolution with all governmental bodies as shall be deemed necessary and appropriate.

ATTEST:

BOROUGH OF MOUNT ARLINGTON
LAND USE BOARD



Kathy Appleby, Secretary

By:  10/27/21


Rob Van den Hende, Chairman

DATED:

THE VOTE:

IN FAVOR: 6
OPPOSED: 0
ABSTENTIONS: 0

I hereby certify that the above is a true copy of the Resolution adopted by the Borough of Mount Arlington Land Use Board at its meeting on August 28, 2019.



Kathy Appleby, Board Secretary