

**BOROUGH OF MOUNT ARLINGTON**  
**LAND USE BOARD MEETING MINUTES**  
December 14, 2022

Meeting called to order at 7:02 p.m.

“Pledge of Allegiance to the Flag” recited.

This meeting was advertised in the Daily Record and the Roxbury Register.

**Attendance Roll Call:**

Hallowich, Driscoll, Foley, Van den Hende, Fostle, Rinaldi, BaRoss, Green, Karpman, Fuller,

**Absent: Mayor Stanzilis, Roldan, Wilson**

**Motion to approve November 16, 2022 Meeting Minutes** by Foley, second by BaRoss

Roll Call: Hallowich, Foley, Driscoll, Van den Hende, BaRoss, Green, Karpman, Fuller

**Motion to approve Vouchers** by Foley, second by Driscoll

**Roll Call:** Hallowich, Driscoll, Foley, Van den Hende, Fostle, Rinaldi, BaRoss, Green, Karpman, Fuller

**Application:**

Pub 199

199 Howard Blvd.

Mt. Arlington, NJ

B. 121, L. 2

Amended Application for Development

Frederick Wawra of Fox Architectural Design PC

546 State route 10 West

Ledgewood, NJ 07852

Mr. Wawra is sworn in

Amended Site plan to the previous approved Plan from October 2021.

Proposing a 40' x 80' pavilion off the rear of the building in place of the approved dining area addition. Mr. Wawra explains that the restaurant business has been changing in the past couple years and customers are wanting to have outside dining in the seasonal months. The Pub does not offer that, so going forward with the addition was not going to be in the restaurants best interest. They made the decision to change from a closed space to an open air area. It will be a permanent structure and be attached to the building.

The original building was 48.5 ft. x 70ft., 3,365 sq. ft. of interior space.

New proposed pavilion will be 40 ft. by 80 ft. 3,200 sq. ft. seating area but the structure will be free standing pulled away from the building 5ft. on both sides. This will create a zone for snow load and also an area to have steps and ramps to get down to the level of the seating area.

Original proposal side set back was 10.9ft, revised is 10.2ft  
10 ft. is required

No change in impervious coverage

Applicant will maintain the same drywell as was required in previous approved application.

No other proposed changes on the site.

The structure will be a pre-engineered open sided pull barn structure. The purpose is to serve food and drinks in an outdoor setting. Only used seasonally, no heating.

The proposed area is now asphalt, they will replace with a concrete.

Previously approved shed unchanged and parking will stay the same.

The proposed pull barn addition will be only 19ft 6in. in height where the previously approved addition was as tall as the existing building.

Exhibit A1 – drawings of the building elevations from the rear and side.

All conditions have been addressed from the previous Application.

**Motion to approve by Foley, second by Hallowich**

**Vote:**

**Yes: 9**

**No: 0**

**Abstained: 0**

**Roll Call:** Hallowich, Driscoll, Foley, Van den Hende, Fostle, Rinaldi, BaRoss, Green, Karpman

**Application:**

Daniel Agatino

133 McGregor

B. 10, L. 45

Bulk Variance

FAR Variance

Mr. Agatino (Applicant) and John Babula (Architect) were sworn in.

Mr. Agatino purchased the home in 2016. It was a smaller lakefront home that needed a lot of work such as running water, a source of heat and electricity. At the time of purchase they had twin baby boys and didn't realize at that time that they would need additional room for them to grow. They need to expand as it is very cramped. Mr. Agatino went through three (3) different plans to accommodate the family's needs and also keep the renovations to a minimal as best they can with the existing square footage of the property.

Mr. Babula states that the property is located in a RA-15 Zone, which 15,000 sq. ft. is the required lot size.

- Lot width required is 100ft, the existing lot width is 50ft.
- Front yard setback required is 35ft, currently is 73.5, proposed is 58.3

- Side yard required is 12ft where 2.3ft is the existing left side and 5.3ft is the right.
- Left side will stay the same at 2.3ft and the proposed right side will be 5.1ft
- The Rear yard setback requirements are 25ft, existing is 57.6ft proposed 49.8ft
- Building height required is 35ft. proposed is 24.9ft.
- FAR is 28% existing 23.6% and proposed is 40.1%
- Impervious coverage allowed is 35%, existing is 20.2%, 34.1% proposed.

Hardship:

Lot Area – half the size

50 ft. width when 100ft is required

Lots on both sides are developed

The addition will be 13.5 ft to the front and 6ft to the right side of property lining up with existing deck.

Jessica Caldwell states that the applicant has the existing undersized lot and side yard setbacks. The main variance is the FAR, the standards can accommodate the additional size despite the fact that they are over. Ms. Caldwell asks the applicant to describe the surrounding properties in comparison to theirs and the similarities in size.

Mr. Babula states that the house does fit into the neighborhood and there are other houses just as big, some bigger and others that are smaller. The increases are not going to impact the street view, the house is farther down.

Dave BaRoss asks if there has been any feedback from the neighbors as to the minimal distance between the houses. Mr. Agatino explains that he has a good relationship with his neighbors, has spoken with them about the addition and they were noticed. They both are seasonal, only being at their residence in the summer months. Mr. Agatino changed the plans to go out to the front primarily so that there wouldn't be an issue of being too close to the neighboring home.

The chimney will be moved to the interior so that it will give another couple feet to the right. The rock wall will be removed to accommodate the addition and a new retaining wall will be needed. The new wall will be less than 4ft. If the wall continues into the side yard the ordinance state that the height of the wall exceeds 24 inches it will need to be the same distance from the property line.

The grinder pump will be relocated to the front of the yard.

Roof liters will run to a rain garden for Storm Water Management

Slope disturbance will be determined once a topographical survey is provided.

Lighting on left side, should be shielded to neighbors.

Final plans will show all revisions spoken of.

The Lake Hopatcong Commission's recommendations were addressed in regards to the storm water management.

The applicant will only be removing a few smaller saplings and be planting bushes for privacy in the future.

Open to the Public

Closed, No Public Comments

Bulk Variance

Lot size

Lot width

Side yards

FAR Variance

28% Allowed, 40.1% proposed

Conditions of approval would come from Dave Clarks report.

Along with the retaining wall to be on the plans if needed.

Mike suggests they get an engineer prior to next meeting in case they have to revise the plans to incorporate the retaining wall.

**Motion to approve D (FAR) Variance by Driscoll, second by Foley**

**Vote:**

**Yes: 7**

**No: 1**

**Abstained: 0**

**Roll Call:** Hallowich, Driscoll, Foley, Van den Hende, Rinaldi, BaRoss, Green, Karpman

**Motion to approve Bulk Variance by Foley, second by Green**

**Vote:**

**Yes: 8**

**No: 0**

**Abstained: 0**

**Roll Call:** Hallowich, Driscoll, Foley, Van den Hende, Rinaldi, BaRoss, Green, Karpman

**Meeting Adjourned**