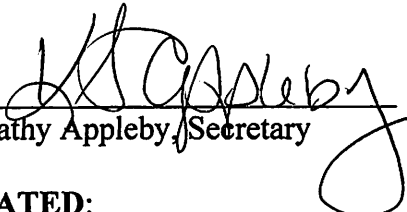



outdoor dining area as proposed.

3. 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.
4. The approval from all other State, County, and Municipal regulatory agencies exercising jurisdiction over the Property.
5. 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.
6. 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.
7. 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:  04/01/23
Chairman

DATED:

THE VOTE:

IN FAVOR: 9
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 February 22, 2023.


Kathy Appleby, Board Secretary

Mr. Wawra explained that the proposal would not increase impervious coverage on the Property and would not require more parking. In fact, he asserted that Mr. Markou had already produced evidence to the Board Engineer's satisfaction confirming that there are at least 180 parking spaces on the Property. This had been a prior condition in the earlier resolution.

Similarly, Mr. Wawra informed the Board that Mr. Markou confirmed that there was adequate sight distance at the existing driveway which was also a prior condition. Mr. Wawra also advised that the plans had been revised to include adequate storm water techniques and a six foot wood fence enclosure for a dumpster. These too had been prior conditions the Board imposed with its prior resolution. The Board engineer confirmed the foregoing.

After Mr. Wawra concluded his testimony, he was questioned by Board Members about various aspects of the project. No members of the public appeared.

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 amended preliminary and final site plan approval to construct a roof covered open air dining area to his existing restaurant. The roof covered open air dining area will replace the addition that the Board had previously approved for the Applicant. 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 amended 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 "Proposed Amended 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 November 8, 2022 consisting of three sheets is hereby approved subject to the following terms and conditions:

1. The prior resolution approved and adopted by the Board on October 27, 2021, is hereby vacated and superseded by the within Resolution. If the Applicant desires to build the addition previously approved, he must return to the Board and request a further amendment.
2. The Applicant shall solicit and comply with any recommendations made by the Mt. Arlington fire department regarding accessibility to the entrance of the

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 November 21, 2022, and a public hearing was subsequently scheduled and held on December 14, 2022, notice being required and lawfully provided; and

WHEREAS, the Board Engineer David P. Clark, P.E., issued both completeness and technical reports regarding the Application prior to the public hearing, both dated November 21, 2022; and

WHEREAS, the Board's Planner, Jessica P. Caldwell, P.P., also issued a report dated December 8, 2022; and

WHEREAS, the conclusion of the public hearing on December 14, 2022, 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 is still the owner of the Property and operates Pub 199. He informed the Board that he had originally hoped to construct an addition to the existing restaurant that would be used to serve patrons dessert. However, following the COVID pandemic, he discovered that many people enjoyed eating outside, weather permitting. Therefore, Mr. Markou told the Board that he now wanted to take the area that was proposed for the addition and make it a roof covered open air dining area.

Mr. Markou also had his architect Fred Wawra, R.A. testify. Mr. Wawra described the prior addition that had been approved and then spoke about the changes Mr. Markou was hoping to have done. He stated that the roof covered open air dining area would be constructed in essentially the same location as the previously approved addition which was at the right rear of the existing building. The area is currently an asphalt parking area. He noted that the restaurant use is permitted in the B-1 zone and no variance relief would be needed

Mr. Wawra stated that it would be 40 feet by 80 feet, consisting of 3200 square feet and the total covered area would be 3685 square feet. It was designed to appear as a wood framed pole barn. He presented Exhibit A-1 which was a rendering of the structure that was to be approximately 19.5 feet in height. He noted that it was not to be connected to the existing structure but would be approximately 5 feet away from it although the separation between the two structures would be covered by a roof. He opined that the separation would reduce snow load on the building and allow for a stairway to the outdoor dining area as well as handicap accessibility.

23-002

**RESOLUTION OF MEMORIALIZATION GRANTING AMENDED
PRELIMINARY AND FINAL SITE PLAN APPROVAL TO GEORGE
MARKOU TO PERMIT THE CONSTRUCTION OF A ROOF-COVERED
OUTDOOR DINING AREA TO THE REAR OF AN EXISTING BUILDING
AND OTHER RELATED IMPROVMENTS ON LOT 16 IN BLOCK 61**

Approved: December 14, 2022
Memorialized: February 22, 2023

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 previously sought to construct an enclosed 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 applied to the Land Use Board for the Borough of Mt. Arlington (“Board”) to secure preliminary and final site plan approvals to construct his intended addition; and

WHEREAS, the Board granted Mr. Markou the aforesaid approvals as memorialized in a Resolution adopted on October 27, 2021; and

WHEREAS, since receiving the aforesaid approvals, Mr. Markou has determined that it would not be advisable to proceed with the approved addition and that it would be better if the addition was to be roof covered open air dining area available for patrons on a seasonal basis; and

WHEREAS, Mr. Markou submitted an Application for Development with the Borough of Mt. Arlington Land Use Board (“Board”) on or about November 14, 2022, requesting amended preliminary and final site plan approvals to allow for the roof covered open air dining area; and

WHEREAS, Mr. Markou submitted with his Application plans entitled “Proposed Amended 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 November 8, 2022 consisting of three sheets; and