

BOROUGH OF MOUNT ARLINGTON LAND USE BOARD

**RESOLUTION APPROVING VARIANCES FOR CONSTRUCTION OF A
NEW DOCK WITH REFERENCE TO PREMISES KNOWN AS
LOT 1, BLOCK 38**

WHEREAS, Sean Stanzak made an application to the Mount Arlington Land Use Board for various bulk area variances to permit construction of a new dock. In particular, variances for maximum dock length, maximum dock area and maximum dock width; and

WHEREAS, the Applicant filed an application and was deemed complete; and

WHEREAS, the Applicant served the necessary notices to the surrounding properties concerning the hearing on said application; and

WHEREAS, the Board did hold a public hearing on said application on March 14, 2018 at which time the Board heard testimony from the Applicant and reviewed the reports of Thomas Lemanowicz, the Board Engineer and Jessica Caldwell, the Board's Professional Planner; and

WHEREAS, based upon the survey showing the existing property with the existing dock and the existing property with the proposed dock; and

WHEREAS, based upon the aforementioned the Board does hereby make the following findings of fact:

1. The subject property is located along the west side of Windemere Avenue and has property fronting on Lake Hopatcong.
2. The existing property has located on it a single family two story structure and a single dock being 7 foot in width and extending 31.5 feet into Lake Hopatcong.
3. Said property is located in a RA-30 zone and is presently deficient in the following bulk area requirements: a) lot area b) lot width c) side yard set back d) total side yard set back, which violations are pre-existing and will not be exacerbated or changed as a result of the present application.
4. The existing dock being a single length dock of 31.5 feet is in disrepair.
5. The area in which the property is located is subject to high winds on Lake Hopatcong and as a result the homeowner has difficulty in docking a boat and mooring a boat at the existing dock.

6. The proposed dock is to be a u-shaped dock extending 50 feet from the bulk head of the property whereas the maximum length permitted is 47.5 feet and a docking area of 34.1% of the water lot whereas 15% is the maximum permitted. The proposed dock is to have a width of 8 feet whereas 5 foot is the maximum permitted dock width.
7. The proposed dock is not inconsistent with the size and configuration of neighboring docks.
8. The Applicant has received approval from the NJDEP, in more particular Hopatcong State Park Division, for the proposed dock design.

AND WHEREAS, based upon the aforementioned facts the Board does hereby make the following conclusions:

- A. The Board finds that there has been a showing that because of peculiar exceptional and practical difficulties as a result of where this lot is located that a more secure dock and more substantial size is needed in order to allow for proper docking and a more protective and safety mooring of a boat or boats.

AND WHEREAS, the Board does find in addition to that that there is exceptional undue hardship because of the exceptional narrowness, shallowness and shape of the piece of property in that its an existing property whose lot width of 40.9 feet where the maximum permitted lot width is 175 feet which would effect the maximum dock area.

AND WHEREAS, the Board finds that the granting of proposed variances and the construction of the proposed dock would not cause a substantial detriment to the public good or the neighborhood or substantially impair the master plan or the zoning ordinance.

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 of Sean Stanzak for bulk area variances to construct a new dock on property known as Lot 1, Block 38 and also known as 491 Windemere Avenue granting relief from the provisions of Section 17-47A and Section 17-40A to permit a lot length of 50 feet, a maximum dock area of 34.1% of the water lot and a maximum dock width of 8 feet is hereby granted upon the following terms and conditions.

1. The Applicant satisfies the payment of all fees and escrow.
2. All other necessary permits including construction permit be obtained by the Applicant.
3. That the dock be constructed in accordance with the variances herein granted.

ATTEST:

BOROUGH OF MOUNT ARLINGTON
LAND USE BOARD



Kathy Appleby, Secretary

By:  03/25/18

, Chairman

DATED:

THE VOTE:

IN FAVOR: 8

OPPOSED: 0

ABSTENTIONS: 1

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 April 25, 2018.



Kathy Appleby , Board Secretary