

BOROUGH OF MOUNT ARLINGTON
LAND USE BOARD MEETING MINUTES
May 26, 2021
7:00 PM

Meeting called to order at 7:03 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, Foley, Driscoll, Van den Hende, Fostle, BaRoss, Rinaldi, Green, Karpman, Roldan

Absent: Lang, Mayor Stanzilis, Meehan

Recused: Fostle

Motion to approve April 28, 2021 Meeting Minutes by Driscoll, Second by Van den Hende

Motion to approve Vouchers by Roldan, Second by Foley

Memorialization of Resolution for 23 Edgemere Ave., Brian Kitchin: Motion by Hallowich,
Second by Karpman

Application:

Leonid Boguslavski

485 Windemere

Block 39, Lot 6

Bulk Variances, D Variance

Deemed Compete: May 5, 2021

Bernd Hefele attorney for the Applicant opens:

The application is for an inground Pool, a Cabana and to rebuild the Boathouse.

Completeness Waivers:

- Environmental Impact Statement was accepted by the Engineer
- Planning report not submitted, Planner’s testimony will be accepted.

The property was developed in the late 1800’s, the house was re-built several times over the years. The boathouse existed until 2009 when demolished for safety reasons. The original boathouse existed for over 100 years and had living quarters. It is a large piece of property that can accommodate the proposed improvements.

Stan Gutkin and Leonid Boguslavsky were sworn in.
485 Windermere Ave.
Mt. Arlington, NJ

Mr. Hefele asks Mr. Gutkin if he is the son-in-law of Mr. Boguslavsky and if they are residents of the property at 485 Windemere, Mr. Gutkin states that the family purchased the property in 2014, his Father-in-law, his wife, himself and their 4 children reside at the property.

Mr. Gutkin describes the property as a 200ft x 200ft parcel with a house and detached garage at the top by the street and the dock area down by the lake, there is a long slope from the house to the lake. The house is 2 stories with a basement. The 2nd story has 4 bedrooms which are occupied by the applicant, his wife and children. First floor has a kitchen, living room, foyer and a 5th bedroom occupied by his father-in-law.

There was no boathouse when they purchased the property, the previous owner gave the applicant plans that he had to construct a new boathouse that were not approved by zoning so did not go forward with applying to the Land Use Board. The realtor told the applicant when he purchased the home that the boathouse was taken down by super storm sandy in 2012 when in fact it was taken down by the previous homeowner by permit in 2009.

Mr. Hefele asks Mr. Gutkin what he is proposing. He states that he has a very large family and there is no place for his parents to stay when they visit. The proposed pool and cabana are approximately 150ft from the house at a 40ft slope. This makes it difficult for his wife to bring the kids down to the pool when having to go back up for lunch and to use the restroom. The proposed 2nd story of the boathouse has restrooms, a full kitchen and sleeping quarters. That space provides for his parents and for his wife to have closer access to a bathroom and kitchen for the kids while at the pool. The proposed first story of boathouse has three (3) spaces with lifts so that the boats do not get banged up by waves from heavy boat traffic on the main lake.

John McDonough (Applicants Planner) is sworn in, he has been before the Board many times and is approved by the Board.

Exhibit A-1 Tax Map parcel – substantially oversized piece of land and the site is larger than the zoning requirements

Exhibit A-2 Arial photo of the property

Exhibit A-3 Color coating of Land Use Map

RA-30 Residential Zone where single family residential structure is permitted, the second residential structure is not permitted which triggers the D1 use variance.

Exhibit A-4 Zone Map

Exhibit A-5 Arial view North East,

Exhibit A-6 Top view of site

Exhibit A-7 view over the lake looking back at the house, showing the landing for the proposed boat house

Exhibit A-8 to the east showing other comparable boathouses

Exhibit A-9 photo of the boathouse taken in 1910

There are two (2) categories of relief that apply

- Boathouse use
- Mass of the structure

Height- proposed 33.58 ft, 12ft. allowed

Water coverage - proposed 18.02%, 15% allowed

Accessory structures:

Pool

Cabana

Garage

715sq. ft. proposed, 528sq. ft. allowed

Overall Lot coverage- proposed is 26%, 25% is allowed

The boathouse space has accommodated a like Use in the past. The lot size can accommodate two dwellings

Statutory special reasons:

- Promote positive aesthetics
- Efficient land use and a variety of land use

Purposes: A, C, G, I and M

Positive application with minimal negative impact to the community and surrounding residents.

Chairman Van den Hende asks Jessica Caldwell if she has specific questions pertaining to the Planning testimony.

Ms. Caldwell:

3 D1 variances

- Living in boathouse
- Sleeping accommodations
- Second principal structure

Mr. Hefele states that utilization of property is intended for extended family only, no 3rd party. No intentions of subdividing the property

Mr. Gutkin states that there is a lot of history in the house and does not want to change a thing other than aesthetic renovations.

Ms. Caldwell asks if there is any comparison of the size and height of the structure being proposed to what was existing.

Mr. McDonough states that they do not have any prior information on the pre-existing boathouse.

Mr. Selvaggi states that because there is no structure to compare, there is no pre-existing use and from a legal stand point it is not relevant.

Mr. Selvaggi asks Mr. McDonough if he knows the layout of the other two boathouses.

Mr. McDonough does not.

Mr. Gutkin states that the blue boat house has bedrooms and possibly a kitchen.

Mr. Selvaggi states that the boathouse is an accessory use, and to assure that it remains as an accessory use it cannot have a kitchen.

Mr. Karpman asks what the cabana is going to be used for.

Mr. Gutkin states that it will be used for storage.

Mr. Hefele offers to the board that they will include a deed restriction that the kitchen will be removed when the property is sold, the owners cannot rent the boathouse out, it can only be used by owners and their family.

Mr. Selvaggi states that he went through many Mt. Arlington files prior to the hearing and over the years the Board has never allowed a kitchen in a boathouse.

Open to public, questions for the Planner

Linda Tobey

4 Lee Drive

Mt. Arlington, NJ

They live adjacent to Mr. Gutkin and there are only 6 houses on Lee Dr not 7.

They feel that the large boat house will block their view and decrease the value of their home.

They have concerns of filling the pool as the wells are very shallow.

Mr. Clark will look into DEP requirements

Closed to the public

Engineer Testimony

Jeff Careaga is sworn in

382 Route 46

Buddlake, NJ

Proposing a 3,900 sq ft. two (2) story boathouse with third level storage not included in the area. Existing boat house was approximately 2500 sq. ft.

Internet connections with the engineer failed, the meeting will be carried to the June 23, 2021 meeting with no further notice.

Meeting Adjourned 8:46pm