

22-004

**RESOLUTION OF MEMORIALIZATION GRANTING BULK VARIANCE
RELIEF TO COREY DASH FOR CONSTRUCTION OF A DETACHED
GARAGE ON LOT 2 IN BLOCK 121**

**Approved: October 26, 2022
Memorialized: November 16, 2022**

WHEREAS, Corey Dash (“Applicant”) is the owner of Lot 2 in Block 121 as noted on the Tax Map for the Borough of Mount Arlington with an address of 4 Richard Drive;

WHEREAS, the Applicant submitted an Application for Development with the Borough of Mount Arlington Land Use Board (“Board”), on or about September 13, 2022, seeking land use approvals to construct a detached garage on his property; and

WHEREAS, the Applicant require bulk variance relief from the zoning limitations set forth in the RA-15 zone district relating to the maximum building height for an accessory structure whereas 12 feet is allowed and 12.75 feet is proposed; maximum area for all accessory buildings on one lot whereas 528 square feet is allowed and 704 square feet is proposed; accessory building in front yard whereas none are permitted and 2 are proposed; and maximum number of accessory structures per lot whereas 1 is permitted and 2 are proposed;

WHEREAS, the Applicant included with his Application an architectural plan entitled “Dash Residence, 4 Richard Drive West, Mount Arlington, NJ 07856” prepared by Babula Architecture, L.L.C., unsigned and unsealed, dated March 7, 2022, no revisions, consisting of five sheets and a survey entitled “Survey of Property, Tax Map Lot 2 Block 121, 4 Richard Drive, Borough of Mt. Arlington, Morris County, New Jersey”, prepared by Lakeland Surveying, by Jeffrey Grunn, P.L.S. dated March 15, 2020;

WHEREAS, the Applicant submitted with his Application the appropriate fees and escrow deposit;

WHEREAS, the Application was deemed administratively complete by the Board’s Engineer on or about October 7, 2022, and a public hearing was subsequently scheduled and held on October 26, 2022, notice being required and lawfully provided;

WHEREAS, the Board Engineer, David A. Clark, P.E., issued a report regarding the Application prior to the public hearing dated October 7, 2022;

WHEREAS, the Applicant was not represented by an attorney;

WHEREAS, at the conclusion of the public hearing on October 26, 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. and Mrs. Dash testified that they have owned the property at 4 Richard Drive for the past 25 years. They live in the home with their 4 children and Mrs. Dash will be joining them soon. Therefore, they need additional space for their personal property. As Mr. Dash explained, there are already 2 sheds on the property, but they are not providing enough space. Therefore, he stated that they would like to remove one of the sheds and build a 672 square foot garage having a height of 12.75 feet.

As Mr. Dash testified, the garage would enable his family to remove personal property currently stored in the home and move it into the garage thereby making room for his mother-in-law. He said that the garage would be located about 3 feet from the existing driveway but he was not intending to expand the driveway and further increase the amount of impervious coverage on the property. When asked what they intended to do with the storm water runoff flowing from the proposed garage, the Dash's admitted that they had not considered that. Mrs. Dash thought that rain barrels might be appropriate. After some discussion, they agreed that if their application was approved, they would design a storm water maintenance approach to the Board Engineer's satisfaction

The Dash's noted that one of the variances they needed, no accessory building in the front yard, was the result of having road frontage on 2 sides of their property. Mr, Dash said that the front of the home faced Richard Drive while the backyard fronted Windermere Avenue. When asked about the height of the proposed garage, he acknowledged that it could be lowered, but he believed the design was preferable.

The matter was opened to the public, but no one appeared.

WHEREAS, the Board after hearing the testimony delivered and the documentary evidence provided, made the following finds a fact and in conclusion of law:

1. The Applicant is seeking variance relief pursuant to N.J.S.A. 40:55D-70(c) (1) from the bulk requirement in the Borough's RA-15 zone district. The relief is sought in connection with the Applicant's proposal to construct a detached garage on his property.
2. Specifically, the Board finds that the Applicant will require relief from the maximum building height limitation for an accessory structure whereas 12 feet is allowed and 12.75 feet is proposed; the maximum area for all accessory buildings on one lot whereas 528 square feet is allowed and 704 square feet is proposed; accessory building in front yard whereas none are permitted and 2 are proposed; and maximum number of accessory structures per lot whereas 1 is permitted and 2 are proposed.

3. The Board finds that the bulk variance relief is warranted as per N.J.S.A. 40-55D-70(c)1. The Board has determined that the lot having road frontage on 2 sides poses an extraordinary and exceptional situation for the Applicant. Thus, it would be impossible for the Applicant to construct any accessory structure that is not in the front yard. The Board also finds that the Applicant already has 2 accessory buildings on the property. It does not believe that replacing one with the proposed garage or the additional impervious coverage that will result from that garage will pose a substantial burden on the neighborhood particularly if the Applicant designs a storm water management system that meets the Board Engineer's satisfaction. The Board also finds that the additional height of the proposed garage to be negligible.
4. The Board believes that the Applicant has satisfied the negative criteria associated with his bulk variance request. The relief will enable the property to be maintained as an attractive residential dwelling. Moreover, the garage will have virtually no impacts on surrounding neighbors particularly since there are no neighbors who live in the rear of the Applicant's lot. The Board finds that the lot is large enough to accommodate the garage as both the lot coverage and FAR standards are being met. The Borough's Master Plan seeks to preserve the residential character of Mount Arlington. Allowing the garage which will in turn create a housing opportunity for an older citizen helps advance that goal. For these reasons, the Board finds that the Applicant has satisfied the negative criteria and are entitled to the bulk variance relief sought.

NOW, THEREFORE, BE IT RESOLVED by the Land Use Board of the Borough of Mt. Arlington, County of Morris, State of New Jersey does hereby approve the grant of the bulk variance relief to the Applicant, Corey Dash.


1. Applicant shall construct the garage as per the architectural plan entitled "Dash Residence, 4 Richard Drive West, Mount Arlington, NJ 07856" prepared by Babula Architecture, L.L.C., unsigned and unsealed, dated March 7, 2022, no revisions, consisting of five sheets plans submitted with the application.
2. The Applicant shall have his architect prepare a storm water management system designed to handle the additional runoff from the garage. The system must be presented to the Board Engineer for his review and approval prior to the issuance of the building permit for the proposed garage.
3. The Applicant shall submit proof that all real estate taxes and assessments due on the property have been paid in full prior to the issuance of both the Building Permit and Certificate of Occupancy.
4. The Applicant shall comply with and adhere to rules, regulations ordinances of the Borough of Mt Arlington applicable to the proposed development.
5. The Boards' approval is conditional upon approvals required by the Application from all outside Governmental Agencies, exercising jurisdiction over the development of the property.
6. 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:  4/16/22
Robert Van Den Hende, Chairman

DATED:

THE VOTE:

IN FAVOR: ____

OPPOSED: ____

ABSTENTIONS: ____

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 _____, 2022.


Kathy Appleby, Board Secretary