

RESOLUTION NO. 23-009

**RESOLUTION OF THE BOROUGH OF MOUNT ARLINGTON
PLANNING BOARD APPROVING MINOR SUBDIVISION FOR
PAULA AND ANDREW DANCHUK, BLOCK 90, LOTS 2 AND 5**

WHEREAS, Applicants Paula and Andrew Danchuk (“Applicants”) made application to the Borough of Mount Arlington Planning Board for a minor subdivision involving a lot line adjustment between Lots 5 and 2, Block 90, as shown on the Tax Map of the Borough of Mount Arlington; and

WHEREAS, Applicants are the owners of Lot 2 and had reached an agreement with the owner of Lot 5, Dale Schock, wherein Lot 5 is to convey 10 feet of its easterly sideline to Lot 2; and

WHEREAS, the Applicants have made an application which has been deemed complete; and

WHEREAS, the Applicants have served the proper notices, and that the Board has jurisdiction; and

WHEREAS, a public hearing on said application was held on November 15, 2023, at which time Paula and Andrew Danchuk testified; and

WHEREAS, the Board is in receipt of a review letter by the Planning Board Engineer, dated November 3, 2023; and

WHEREAS, it appears that if subdivision is granted, two bulk area variances are necessary: (1) minimum lot area on proposed Lot 2 after the subdivision; and (2) minimum lot width on proposed Lot 2 after the subdivision; and

WHEREAS, there was submitted a proposed lot line adjustment survey showing the existing two lots and the proposed two lots after the subdivision and the addition of 10 feet along the easterly sideline of Lot 2; and

WHEREAS, the Board does make the following findings of fact:

1. Applicants’ house on existing Lot 2 is very close to the side yard which is shared with Lot 5.
2. Applicants would like to have some additional room along the sideline of its property.
3. The removal of 10 feet along the westerly sideline of Lot 5 will not cause any violation of the requirements in the RA-15 zone.
4. Proposed Lot 2 presently has 12,983 square feet, and upon the addition of 10 feet, will have 14,687 square feet, wherein 15,000 square feet is required pursuant to the zone.

Applicants will be, in fact, reducing its non-conformity, although it will still need a variance.

5. Existing Lot 2 presently has 81 feet lot width, and by adding the 10 feet that Applicants are seeking to obtain, it will have 91.2 feet, wherein 100 feet is required pursuant to the Ordinance, which will require a lot width variance; and

WHEREAS, the Board has determined that the variances set forth above can be granted under the criteria set forth in 40:55D-70(c)(1), in that there is a situation uniquely affecting this property, and the addition of the 10 feet to Lot 2 will, in fact, require a variance, but the non-conformity will be lessened as a result of the addition of the 10 feet; and

WHEREAS, if any additional property were to be taken from Lot 5 in order to eliminate the variances of Lot 2, Lot 5 would become non-conforming; and

WHEREAS, the Board has determined that the granting of the variances can be granted without substantial detriment to the public good, and the same will not substantially impair the intended purposes of the zone plan and zoning ordinances.

NOW, THEREFORE, be it resolved by the Planning Board of the Borough of Mount Arlington, County of Morris, State of New Jersey, that the application of Paula and Andrew Danchuk to subdivide 10 feet from the westerly side yard of Lot 5, and add the said 10 feet to the easterly sideline of Lot 2, as shown on the aforementioned plan prepared by Lakeland Surveying, dated September 14, 2023, is hereby granted, subject to the following terms and conditions:

1. Applicants will pay all fees and escrows that may be due and owing on the application.
2. Within 190 days of the adoption of this Resolution, Applicants shall file with the Clerk of Morris County a Deed approved by the Borough Planning Board and Borough Engineer, which will set forth a description of Lot 5 after the subdivided 10 feet, and a description of Lot 2 with the addition of the 10 feet.

ATTEST:

**BOROUGH OF MOUNT ARLINGTON
LAND USE BOARD**

Kathy Appleby, Board Secretary

By: _____
Melissa Fostle, Vice Chairwoman

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 held on December 20, 2023.

Kathy Appleby, Board Secretary