

**RESOLUTION OF MEMORIALIZATION GRANTING USE AND BULK
VARIANCE RELIEF TO D.M.K., LLC TO PERMIT THE
CONSTRUCTION OF A TWO-STORY SINGLE-FAMILY RESIDENCE
ON LOT 63 IN BLOCK 10**

**Approved: May 27, 2026
Memorialized: June 24, 2026**

WHEREAS, D.M.K., LLC ("Applicant") is the owner of Lot 63 in Block 10 ("Property") as noted on the Tax Map for the Borough of Mount Arlington with a street address of 17 McGregor Avenue; and

WHEREAS, the Applicant submitted an Application for Development with the Borough of Mount Arlington Land Use Board ("Board"), on or about February 16, 2026, seeking bulk variance relief to raze the existing home and construct a two-story single-family dwelling with an attached accessory garage, a boat dock and associated improvements on the Property; and

WHEREAS, the Applicant required bulk variance relief from the zoning limitations set forth in the RA-15 zone district relating to minimum lot width whereas 100 feet is required and 94.9 feet is only available; maximum impervious lot coverage whereas 35% is permitted and 43.6% is proposed; minimum front yard setback whereas 35 feet is required and 25 feet is proposed; minimum side yard (one) setback whereas 12 feet is required and 8.5 feet is proposed; steep slope disturbance, whereas according to Ordinance § 17-30.8d(2), on slopes between 15% and 25%, no more than 40% of the vegetation can be disturbed and a disturbance of 73.5% is proposed; steep slope disturbance, whereas according to Ordinance § 17-30.8d(2), on slopes between 15% and 25%, no more than 30% of the vegetation can be disturbed and a disturbance of 78.4% is proposed; and steep slope disturbance, whereas according to § 17-30.8d(3), on slopes greater than 25%, vegetation shall not be stripped from more than 15% of the slopes and a disturbance of 91.4% is proposed. Subsequent to the filing of its application, the Applicant revised its plans to eliminate the side yard variance and reduce the amount of impervious lot coverage 34.9, thereby eliminating these 2 bulk variances; and

WHEREAS, the Applicant included with its Application Five (5) sheets of a revised Variance Plan entitled, "Lot Development Plan, D.M.K. LLC, Goldberg Residence, Block 10, Lot 63, #17 McGregor Avenue, Borough of Mount Arlington, Morris County, New Jersey," prepared by Dykstra Walker Design Group, PA, dated December 4, 2025, and revised through May 14, 2026; Five (5) sheets of revised Architectural Building Elevations and Floorplans entitled, "New Construction, D.M.K. LLC, Goldberg Residence, 17 McGregor Ave., Block-10, Lot-63, Mt. Arlington, NJ 07856," prepared by Daniel J. Allocca, AIA, dated December 10, 2025, and revised through May 15, 2026; one (1) sheet of a Topographic Property Survey entitled, "Tax

requirements. He indicated that the home was oriented within the front yard setback to minimize impacts to neighbors. The side yard relief was appropriate to avoid developing within the flood hazard and riparian zone area to the rear of the Property. He proposed the planting of arborvitae to minimize the impacts. He further indicated that the home would have a side loaded garage that would afford occupants the ability to turn around on the Property.

Mr. Robine said that the Applicant would need relief from the impervious coverage requirement for the zone district. To offset the impact from the nonconforming impervious coverage, he testified that the Applicant proposed a more elaborate stormwater management system that included a rain garden and drywells. The Applicant would agree to a deed restriction to enable the Borough access to maintain the system in the future.

Mr. Robine also discussed the variances needed for proposed disturbances in the steep sloped areas of the Property. He testified that given the topography of the Property, it would be difficult to avoid disturbing the steep slopes. He did state that some of the steep slopes were man-made. He noted that the proposed stormwater management system would help protect the steep slope areas as well as the construction of retaining walls. He also indicated that the Applicant would revegetate the disturbed areas and follow the requirements imposed by the Soil Conservation District.

Board members expressed reservations about the proposed development. Questions were raised about the amount of the impervious coverage and the impact from stormwater runoff, particularly given the proximity of Lake Hopatcong. Board members expressed concerns about the size and layout of the home which generated nonconforming side yard setback conditions. Questions also arose about the proposed floor area ratio and whether it would be conforming. Accordingly, the Applicant agreed to reconsider its proposal.

In response, the Applicant revised its plans, showing a shift of the garage and the overall dwelling footprint, which resulted in the elimination of the side yard setback variances. The revisions also led to a substantial decrease in the proposed impervious coverage through the inclusion of permeable pavers for a portion of the driveway, which eliminated the need for the impervious coverage variance. The Applicant's plans also showed a trench drain and a proposed landscaping plan that incorporated non-invasive landscape species.

The Applicant presented Thomas Graham, P.E., to describe the plan changes. He was accepted as an expert in the field of civil engineering. Mr. Graham explained that the shift in the garage coupled with the reduction in the size of the building enabled the Applicant to comply with the side yard setback requirements. He further noted that these changes along with the use of pervious pavers and the elimination of a proposed rear yard patio area lead to the elimination of the impervious coverage variance. Mr. Graham testified that the reduction in the size of the proposed dwelling meant that the proposed FAR would be .273 which was below the maximum permitted .28.

eliminate the side yard variance and reduce the amount of impervious lot coverage 34.9, thereby eliminating these 2 bulk variances. However, the Board finds that the Applicant still requires a variance for insufficient lot width, which is a pre-existing condition; minimum front yard setback; and steep slope disturbance.

3. The Board finds that the bulk variance relief for minimum lot width and front yard setback is warranted under the standard set forth in N.J.S.A. 40:55D-70(C)(2). The Board finds that the Applicant's proposal promotes a desirable visual impact which is consistent with the other lots and homes in the immediate vicinity of the Property. The Board finds that the proposed layout and landscaping will promote the general welfare and a desirable visual impact which are two purposes of zoning set forth in the MLUL.
4. The Board finds that the bulk variance relief for the proposed steep slope disturbance is warranted under the C(1) standard. The lot is narrow and slopes from McGregor Avenue to Lake Hopatcong. The existing grade along with the presence of man-made steep slope areas on the Property impose a peculiar and practical difficulty for the Applicant to develop the Property in a manner that would be conforming to the steep slope requirements.
5. The Board believes that the Applicant has satisfied the negative criteria for the bulk variances requested. The design of the home is consistent with the neighborhood scheme and does not present a substantial detriment to the public good. The relief will enable the Property to be developed with an attractive residential dwelling that will be in keeping with the neighborhood. The proposal includes elaborate stormwater management techniques that will ensure that runoff will not negatively impact the Lake or neighboring properties. The proposal is consistent with lakefront development in the Borough. Indeed, the Borough's Master Plan seeks to encourage the redevelopment or rehabilitation of lakefront homes. The demolition of the existing home and the rehabilitation of the boat dock advance this goal of the Master Plan. For these reasons, the Board finds that the Applicant has satisfied the negative criteria and is 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, D.M.K., L.L.C., as more particularly described on the five (5) sheets of a revised Variance Plan, Block 10, Lot 63, #17 McGregor Avenue, Borough of Mount Arlington, Morris County, New Jersey," prepared by Dykstra Walker Design Group, PA, dated December 4, 2025, and revised through May 14, 2026; Five (5) sheets of revised Architectural Building Elevations and Floorplans entitled, "New Construction, D.M.K. LLC, Goldberg Residence, 17 McGregor Ave., Block-10, Lot-63, Mt. Arlington, NJ 07856," prepared by Daniel J. Allocca, AIA, dated December 10, 2025, and revised through May 15, 2026; one (1) sheet of a Topographic Property Survey entitled, "Tax Lot 63 – Block 10, 17 McGregor Avenue, Borough of Mt. Arlington, Morris County, New Jersey," prepared by Lakeland Surveying, dated May 5, 2025, and revised

by the Board, and the Construction Code Official has received final plans appropriately signed by the Board Chairman, Board Secretary, and Board Engineer.

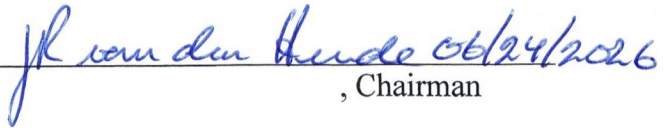
10. Pursuant to the provisions of N.J.S.A. 40:55D-39 and 55D-65, the Applicant shall provide proof that no taxes or assessments for local improvements are due on the Property.

11. The Secretary of the Board shall file a copy of this Resolution with all governmental bodies as shall be deemed necessary and appropriate.

ATTEST:


Kathy Appleby, Secretary

BOROUGH OF MOUNT ARLINGTON
LAND USE BOARD

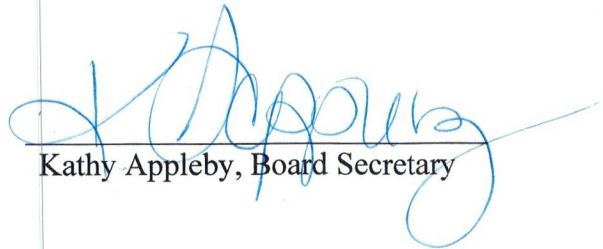
By:  06/24/2026
Chairman

DATED:

THE VOTE:

IN FAVOR: 7
OPPOSED: 0
ABSTENTIONS: 7

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 June 24, 2026.


Kathy Appleby, Board Secretary