

**24-012**  
**RESOLUTION**  
**OF THE BOROUGH OF MOUNT ARLINGTON**  
**MEMORIALIZATION GRANT OF BULK VARIANCE RELIEF TO RICHARD**  
**SULLIVAN TO PERMIT THE CONSTRUCTION OF AN ADDITION TO AN**  
**EXISTING RESIDENCE ON LOT 58 IN BLOCK 10**

**APPROVED: AUGUST 28, 2024**  
**MEMORIALIZED: SEPTEMBER 25, 2024**

**WHEREAS**, Richard Sullivan (“Applicant”) is the owner of Lot 58 in Block 10, as noted on the Tax Map of the Borough of Mount Arlington with a street address of 29 Cove Road (“Property”); and

**WHEREAS**, the Applicant submitted an Application for development with the Borough of Mount Arlington Land Use Board (“Board”), on or about July 11, 2022, seeking use and bulk variance relief to permit the construction of an addition to his existing home on the Property; and

**WHEREAS**, the Applicant required bulk variance relief from the zoning limitations set forth in the RA-7.5 Single Family Residence Zone relating to rear yard setback whereas 20 feet is required as per Ordinance Sec. 17-29, four (4) feet currently exists and 3.9 feet is proposed; and

**WHEREAS**, the Applicant included with his Application Architectural Plans titled: “Proposed Renovation of Existing Residence, Richard Sullivan, 29 Clove Road, Mt Arlington, NJ,” prepared by Elizabeth Reeves, Architect & Planner, 22 Church Street, Newton, NJ 07860, unsigned, dated January 15, 2024, last revised August 15, 2024, consisting of five sheets and a c. Property Survey titled: “Lori Price Sullivan, Richard Sullivan, Lot 58, Block 10, 29 Cove Road, Borough of Mt. Arlington, Morris County, New Jersey,” prepared by RHJ Associates, Professional Land Surveying & Planning, 6 Lakeshore Drive East, Highland Lakes, New Jersey, 07422, signed by Robert H. Jordan, Jr., dated July 26, 2023, last revised July 8, 2024, consisting of one sheet; and

**WHEREAS,**

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

**WHEREAS,** the Application was deemed administratively complete by the Board's Engineer, David A. Clark, P.E. on or about August 28, 2024 and a public hearing was subsequently scheduled and held on August 28, 2024, notice being required and lawfully provided; and

**WHEREAS,** the Applicant was represented by Bernd Hefele, Esq.; and

**WHEREAS,** the Board Engineer, David A. Clark, P.E., issued a two Technical Reviews, the latest being dated August 28, 2024; and

**WHEREAS,** at the conclusion of the public hearing on August 28, 2024, the Board rendered a decision on the Application with requirements set forth in N.J.S.A 40:55 D-10(g); and

**WHEREAS,** the Board received as part of the hearing process, the following testimony and documentary evidence:

The Applicant, Richard Sullivan, testified that the Property is located at 29 Cove Road near the intersection of Howard Boulevard and Cove Road and has a single-family residence on it. He said the Property size is about 0.17 acres. He told the Board that he is proposing to construct additional living space in the basement level, beneath an existing deck and construct a living room addition and deck on the main level, creating a proposed dining room in the space of the existing single living room. He stated that the additional space was needed to accommodate his growing family.

Mr. Sullivan presented a copy of the survey for the Property which showed its irregular shape. He indicated that it was a narrow flag lot. He acknowledged that there were a number of nonconforming conditions on the Property. However, he testified that the addition was

be built entirely within the footprint of the lot and no existing nonconforming conditions would be exacerbated, but for the rear yard setback which would be reduced from 4 feet to 3.9 feet. However, He said that the addition would not increase the height of the dwelling. Mr. Sullivan also agreed to install drywells to capture storm water runoff and prevent it from entering Lake Hopatcong.

The matter was opened to the public and Geno Hernandez who lived next door to the Property appeared to offer his support for the proposal.

**WHEREAS**, the Board after hearing the testimony and reviewing the documents provided, made the following findings, facts and conclusions of law:

1. The Applicant is seeking to construct an addition on his existing dwelling on Lot 58, Block 10 that will offer additional living space in the basement level, beneath an existing deck and construct a living room addition and deck on the main level, creating a proposed dining room in the space of the existing single living room.
2. The Property is located in the Borough's RA-7.5 Single-Family Zone. It is a flag lot, which fronts on Cove Road, and extends to Lake Hopatcong in the rear. Front, side and rear yard dimensions are based on the "L" configuration of the property and the front yard being along Cove Road.
3. The Property's flag lot configuration results in several nonconforming conditions. However, the Applicant's proposal does not exacerbate these pre-existing nonconforming conditions or generate new ones except for the rear yard setback. The existing setback is four feet and the proposed setback will be 3.9 feet.
4. The Board finds that the Applicant is entitled to bulk variance relief pursuant to N.J.S.A. 40:55D-70(c)(1) for the nonconforming rear yard setback. The Board finds

that the Property is a flag lot that is narrow with unique topographical conditions, including a sloped lawn that runs from Cove Road to Lake Hopatcong. The Board agrees that the Property presents unique conditions that impose a hardship on any attempt to build a conforming addition on the existing dwelling.

5. The Board believes that the Applicant has satisfied the negative criteria associated with its bulk variance relief. The relief will enable the Property to be maintained as an attractive residential dwelling that will be in keeping with the neighborhood. By including drywells, the Applicant will not negatively impact Lake Hopatcong or neighboring properties. The proposal preserves the residential character of the area which is consistent with the Borough's 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 Mount Arlington, County of Morris, State of New Jersey, does hereby approve the grant of the bulk variance relief to the Applicant, Richard Sullivan, as more particularly described on the Architectural Plans titled: "Proposed Renovation of Existing Residence, Richard Sullivan, 29 Clove Road, Mt Arlington, NJ," prepared by Elizabeth Reeves, Architect & Planner, 22 Church Street, Newton, NJ 07860, unsigned, dated January 15, 2024, last revised August 15, 2024, consisting of five sheets and a c. Property Survey titled: "Lori Price Sullivan, Richard Sullivan, Lot 58, Block 10, 29 Cove Road, Borough of Mt. Arlington, Morris County, New Jersey," prepared by RHJ Associates, Professional Land Surveying & Planning, 6 Lakeshore Drive East, Highland Lakes, New Jersey, 07422, signed by Robert H. Jordan, Jr., dated July 26, 2023, last revised July 8, 2024, consisting of one sheet; subject to the following conditions:

1. The Applicant revise its proposal in accordance with the comments offered by the Board Engineer David Clark, P.E. in his second Technical Review, dated august 28,2024.

2.. The Applicant shall submit proof that all fees, escrow amounts, real estate taxes and assessments have been paid prior to the issuance of both the Building Permit and Certificate of Occupancy.

3. The Applicant shall comply with and adhere to rules, regulations ordinances of the Borough of Mt Arlington applicable to the proposed development, including but not limited to Section 17-94 of the Borough's Land Development Ordinances that governs the payment of residential development fees.

4. The Board's approval is conditional upon approvals required by the Application from all outside Governmental Agencies, exercising jurisdiction over the development of the property.

5. The Applicant shall further amend its plans as per the representations made at the public hearings and the comments from the Board Planner, Board Secretary, and Board Members.

6. All other State, County, and Municipal regulatory agency reviews that may be necessary must be obtained.

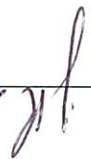
7. No construction permits of any type shall be issued by the Construction Code Official of the Borough of Mt. Arlington until all Board escrow fees have been paid, a Resolution of Approval has been memorialized and appropriately signed by the Board, and the Construction Code Official has received final plans appropriately signed by the Board Chairman, Board Secretary, and Board Engineer.

8. 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.

9. 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

By:   
Jill van der Horst 09/25/24, Chairman

BOROUGH OF MOUNT ARLINGTON  
LAND USE BOARD

DATED:

THE VOTE:

IN FAVOR: 8  
OPPOSED: 0  
ABSTENTIONS: 0

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 August 28, 2019.

  
Kathy Appleby, Board Secretary