



## **ZONING BOARD OF ADJUSTMENT**

Borough of Waldwick  
63 Franklin Turnpike  
Waldwick, New Jersey 07463



In The Matter of:  
The Application of  
**Brett Pic**  
For Variance Relief with Respect to:  
**142 West Prospect Street**  
**R-1 Zone**  
Lot 1, Block 138  
Waldwick, New Jersey

**Resolution of Memorialization**  
As To "Official Action" **Granting**  
Variance Relief To build a  
second story addition.

**WHEREAS, Brett Pic**, hereinafter referred to as "Applicant", applied to this Board of Adjustment for variance relief to build a second story addition onto the existing premises located on Lot 1 in Block 138 as it appears on the current Tax Map of the Borough of Waldwick, hereinafter referred to as the "premises in question"; and

**WHEREAS** the Applicant's application and accompanying drawings, schematic design, site plan and survey were the subject of a public hearing held by this Board of Adjustment on July 23, 2025, during the hearing

testimony was taken and exhibits were submitted by the Applicant in favor of this Board of Adjustment granting the requested relief; and

**NOW, THEREFORE, BE IT REMEMBERED,** that this Board of Adjustment at its official public monthly meeting held on July 23, 2025, did make the following findings of fact, determination, and decision:

**Memorialization of Findings of Fact**

1. All persons required to be served with notice of the public hearing were duly served, notice of the public hearing was duly published, and proof thereof has been filed with this Board of Adjustment.
2. The premises in question is located on Lot 1 in Block 138, District R-1 Residential.
3. The Applicant has paid all taxes and assessments.
4. No member of the public commented on this application even though an opportunity was given.
5. The Applicant proposes to build a second story addition, entirely within the full existing footprint of the house. Applicant has requested that the non-conforming setbacks with respect to front

yard setback and secondary front yard (the subject premises are a corner lot), which configuration long predates this application, be granted continued variance relief. The property survey shows the existing front and secondary front yard setbacks as non-conforming, as detailed below, subject to the requirements imposed by virtue of this being a corner lot, with the proposed improvement maintaining, but not actually exacerbating those nonconformities, while creating zero new non-conformities in any dimension, but merely maintaining two (2) already existing nonconformities, as aforesaid. Thus, the proposed addition would result in retention of, but no actual exacerbation (it is noted that even though the proposed addition does not further encroach upon and boundary or setback line, the fact that the area of the house will increase, creates a technical exacerbation of the existing nonconformities, rather than a functional exacerbation) of existing nonconformities, with respect to primary front yard setback and secondary front yard setback. In the instant matter, the subject premises are substantially undersized, being significantly deficient in both width and depth and therefore in area. Nevertheless, the existing lot coverage is presently conforming and

because the footprint of the structure will not be altered, that conformity will not be disturbed. Specifically, the existing improved lot coverage is twenty-six and one tenth (26.1%) percent, where a maximum of forty (40%) percent is permitted. As noted, the proposed improvements would result in no change to the percentage of improved lot coverage. With respect to the continued variance requested for front yard setback, twenty-four and one tenth (24.1') feet exists and that condition is proposed to continue for the primary front yard setback, where fifty (50') feet are required and twenty-six and six tenths (26.6') feet is proposed for secondary front yard setback, where thirty-five (35') feet are required.

6. The percentage of impervious coverage is conforming, despite the fact that, as shall be set forth below, the lot dimensions fail to satisfy the R-1 Zone bulk requirements.
7. The rear yard set back, is deficient, being presently forty-three and one tenth (43.18') feet, where fifty (50') feet are required, although that is a pre-existing condition, representing an existing variance. The proposed addition will not affect the existing rear set back and

the existing variance is not expanded, nor exacerbated, in its actual dimension to the rear.

8. The subject property fails to meet the R-1 Zone bulk requirements in both width and area. The property fails to meet the required zone depth requirement, being one hundred (100') feet deep, where a depth of one hundred fifty (150') feet is required. Similarly, the lot has a width of only eighty (80') feet, where one hundred (100') feet are required. As a result of the aforementioned dimensions, there is similarly a deficiency in the area of the property, being seven thousand, nine hundred fifty-eight (7,958) square feet, where a minimum area of fifteen thousand (15,000) square feet are required. Both deficiencies in dimensions are pre-existing conditions and are inalterable, but despite this deficiency, the premises actually have an impervious coverage of twenty-six and one tenth (26.1%) percent, far less than the maximum permitted impervious coverage of forty (40%) percent, permitted. As noted, none of the existing non-conformities will be exacerbated by approving the instant application and continuing the existing variances because no change in the footprint of the building is being proposed. As a result of all of the factors noted above, as well as the lack of any

exacerbations of any of the existing variances, as well as the particular setback requirements relating to an undersized corner lot, all existing variances are appropriately the subject of continued relief. Further, it is appropriate at this time to approve this application and continue setback relief by way of continuing the existing variances identified herein.

#### **Memorialization of Determination**

This Board of Adjustment has determined that the requested relief from the above noted requirements for the construction of a second story addition may be granted without any substantial detriment to the public good and without substantially impairing the intent and purpose of the Waldwick Zoning Code and the Waldwick Master Plan; that the requested continuation of the existing variances, as noted, are resulting from existing lot dimensions and non-conforming yards; that the benefits to be derived from granting the continuation of existing variances and substantially outweigh any detriments which might possibly arise therefrom.

### **Memorialization of Decision**

This Board of Adjustment therefore did **grant** Applicant's application for **approval of the construction of a second story addition, as described in the application and did grant the continuation of the existing variance relief for the setbacks of the existing structure, as detailed above**, in the amounts and dimensions shown herein and subject to the following condition:

- Pursuant to Chapter 56A-20 of the Ordinances of the Borough of Waldwick, this variance relief will expire by limitation unless such construction or alteration approved herein shall have been commenced on each structure permitted by said variance within one year from the date of publication of the notice of decision by this Board of Adjustment.
- All representations and testimony provided at the public hearing, as well as any and all representations made within any documents submitted or correspondence to the Waldwick Zoning Board of Adjustment or any other department of the Borough of Waldwick, is hereby deemed to be incorporated into this Resolution by reference, as if set forth at length herein.

- All work shall be done in strict accordance with the Uniform Construction Code and the proposed development plan.


**BE IT REMEMBERED** that the members of this Board of Adjustment who voted in favor of said variance relief at its official meeting held July 23, 2025, do hereby **Memorialize and Confirm** the foregoing findings of fact, determination and decision set forth in this Resolution of memorialization as the "official action" taken by this Board of Adjustment on that date in accordance with the provisions of N.J.S.A. 40:55d-10(g)(2) of the New Jersey Municipal Land Use Law on this August 27, 2025.



Official Public Monthly Meeting: August 27, 2025

	Moved	Seconded	Yes	No	Abstain	Absent
Marty Nieman					✓	
Richard Cericola			✓			
Brian Walsh		✓	✓			
Ted Sanzo	✓		✓			
Nadia Luppino					✓	
Stanley Wekarski			✓			
Phil Centineo					✓	
Bruce Mitchell					✓	
Joseph Myerjack			✓			

I hereby certify that this Resolution of memorialization consisting of 10 pages was duly adopted by the members of the Board of Adjustment of the Borough of Waldwick who voted in **favor** of Applicant's application as described herein on July 23, 2025, a quorum of the membership being present, at the regular official public meeting of said Board of Adjustment held on August 27, 2025.

  
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JOYCE SINCLAIR, Secretary  
Waldwick Zoning Board of Adjustment

Official Public Monthly Meeting:  
August 27, 2025