



## **ZONING BOARD OF ADJUSTMENT**

Borough of Waldwick  
63 Franklin Turnpike  
Waldwick, New Jersey 07463



In The Matter of:  
The Application of  
**TIMOTHY & JENNIFER CASSIDY**  
For Variance Relief with Respect to:  
**61 Evergreen Street**  
R-1 Zone  
Lot 16, Block 134.01  
Waldwick, New Jersey

**Resolution of Memorialization**  
As To "Official Action" **Granting**  
Variance Relief To build rear  
and second story additions,  
plus a front portico.

**WHEREAS, Timothy and Jennifer Cassidy**, hereinafter referred to as "Applicant", applied to this Board of Adjustment for variance relief to build rear and second story additions, as well as a portico, onto the existing premises located on Lot 16 in Block 134.01, 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 from Edwin P. Sherman, R.A.P.P., architect for the applicant, 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 16 in Block 134.01, 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, a rear addition and a front portico. With the exception of the portico, all of the proposed improvements fit completely within the building envelope created by the required setbacks under the Waldwick Zoning Code. Thus, the proposed improvements, with the exception of the proposed portico are entirely conforming and require no variance relief. Applicant has requested that the existing non-conformity with respect to front yard setback, which configuration long predates this application, be granted continued variance relief. Further, variance relief is requested for the additional encroachment of the approximately three and one half (3½') feet. The property survey shows the existing front yard setback is already non-conforming for the R-1 zone, as detailed below and is proposed to be exacerbated by the addition of the proposed portico, as well as maintaining one (1) additional, already existing nonconformity, as is set forth below. In all other respects the property will remain fully conforming after the proposed renovations and additions. The subject premises are presently conforming, with the percentage of improved lot coverage and all required setbacks, except for front yard setback, being not only

conforming but conforming by margins of at least close to fifty (50%) percent in all cases. With respect to the continued variance and exacerbation of that nonconformity requested for front yard setback, twenty-six and sixty-five hundredths (26.65') feet exists and that condition is proposed to continue for most of the front of the home, but the proposed portico will, if approved, create a section of the front of the house which will be closer to the front lot line, reducing the front yard setback to twenty-three and two tenths (23.2') feet, where fifty (50') feet are required.

6. The percentage of impervious coverage is and will continue to be conforming, despite the front and rear ground level additions.
7. The rear yard setback, will continue to be conforming after the construction of the rear addition and will be conforming, being seventy-five and seventeen hundredths (75.17') feet, where fifty (50') feet are required.
8. The subject property actually fails to meet the R-1 Zone bulk requirements in one dimension. The width of the property is ninety-nine (99) feet, where one hundred (100') feet are required. Clearly this deficiency is *de minimis*, and does not even affect the lot area, due to the one hundred fifty-two (152) foot depth of the property,

where a depth of one hundred fifty (150') feet is required. Presumably that minimal discrepancy was the subject of a waiver or variance issued at the time the lot was created. As a result of all of the factors noted above, as well as the minimal nature of the exacerbation of the existing front yard setback variance which is appropriately the subject of continued relief it is reasonable for the instant application to be approved. Further, it is appropriate at this time to approve this application and continue and minimally extend the front yard setback relief by way of continuing the existing variances as 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 front portico, as well as a second story addition and a rear addition, may be granted without any substantial detriment to the public good and without substantially impairing the intent and purpose of the Walldwick Zoning Code and the Walldwick Master Plan; that the requested continuation and extension of the existing variance, as noted, are resulting from existing

placement of the principal structure on the subject property and that the benefits to be derived from granting the continuation of existing variances 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 front portico, second story addition and a rear addition, as described in the application and did grant the continuation and extension of the existing variance relief for the front setback 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 9 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