



ZONING BOARD OF ADJUSTMENT

Borough of Waldwick
63 Franklin Turnpike
Waldwick, New Jersey 07463



In The Matter of:
The Application of
Jason Dechert & Marie Dechert
For Variance Relief with Respect to:
18 Waldwick Avenue
R-2 Zone
Lot 15, Block 76
Waldwick, New Jersey

Resolution of Memorialization
As To "Official Action" **Granting**
Variance Relief To install,
replace and enlarge an
existing deck to surround a
proposed above-ground pool.

WHEREAS, Jason and Marie Dechert, hereinafter referred to as "Applicant",
applied to this Board of Adjustment for variance relief to replace and
enlarge an existing deck, surrounding a proposed above ground pool, said
premises being located on Lot 15 in Block 76 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 15 in Block 76, District R-2 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 replace and enlarge an existing deck, which presently is situated to the rear and wrapping around the side of the home, to surround an above ground swimming pool in the backyard. Applicant argues that the non-conforming lot size, particularly as to width and resulting non-conforming lot area and limited area for rear yard and side yard setbacks, necessitate the requested variance relief be granted or continued, as might be applicable. The zoning requirements for the R-2 residential district of the Borough of Waldwick require side yard setbacks of ten (10') feet on one side and twenty-five (25') feet combined. Applicant proposes setbacks of nine (9') feet (pre-existing) and four and one tenth (4.1') feet, respectively. Specifically, this condition is necessitated by the extreme narrowness of the subject premises, being fifty (50') feet wide, where a minimum of seventy-five (75') feet in width is required in the R-2 zone. The proposed improvements will result in neither side yard meeting the requirement of ten (10') feet and the combined side yards being substantially less than the required twenty-five (25') feet, although it is noted that the existing conditions are that the combined side yards are deficient and therefore applicant proposes to exacerbate that nonconformity,

while creating new non-conformities, or exacerbating existing nonconformities with respect to rear yard setback and lot coverage. With regard to rear yard setback, the code requires thirty-five (35') feet where twenty-three (23') feet are proposed. Because of the substandard area of the subject property, being six thousand, two hundred fifty (6,250) square feet, where the R-2 Zone requirement is seven thousand, five hundred (7,500) square feet, the already excessive percentage of lot coverage, presently fifty and four tenths (50.4%) percent, where a maximum of forty (40%) percent is permitted, will increase to a total of fifty-four and one tenth (54.1%) percent. Thus, the proposed deck and pool would result in continuation of the existing nonconformities, some exacerbation of existing non-conformities, as well as new nonconformity, for which variance relief is requested.

6. As noted above, the subject property fails to meet the R-2 Zone bulk requirements in both lot width and area. Although the property exceeds the zone depth requirement, being one twenty-five (125') feet deep, where a depth of one hundred (100') feet is required, the lot, as previously described, has a width of only fifty (50') feet, where seventy-five (75') feet are required. Thus, the property is fully

fifty (50%) percent deficient as to width. As a result of the aforementioned dimensions, there is similarly a deficiency in the area of the property, as was specifically detailed above, resulting in a lot the area of which is undersized by approximately fifteen (15%) percent. Both deficiencies in dimensions are pre-existing conditions and are inalterable, but the width deficiency actually creates the deficient side yard setback, necessitating the original variance relief. However, the Board finds that the construction of the proposed deck and pool, as described, will not overwhelm the lot, in particular, will not overwhelm the side yards and any additional lot coverage is a relatively small exacerbation of the existing deficiency. As a result, it is appropriate to determine that the configuration of the lot creates a hardship, as contemplated by NJSA 40:55D-70 (C)(1) and there is no basis for denying the continuation of the existing variances, even as exacerbated. Further, it is appropriate at this time to grant the requested variance relief for deficient rear setbacks. In all, granting the requested variance and continued variance relief provides benefits which outweigh any possible detriment.

Memorialization of Determination

This Board of Adjustment has determined that the requested variance relief for the purpose of replacing and enlarging an existing deck, surrounding a proposed above ground pool 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 continuing variances are resulting from existing lot dimensions and non-conforming yards; that the benefits to be derived from granting the requested variances relief 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 replacement and enlargement of an existing deck and the installation of an above ground swimming pool attached thereto and did grant the continuation of existing variance relief, as noted above, as well as exacerbation of existing variance relief for non-conforming side yard setback, all 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

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.



JOYCE SINCLAIR, Secretary
Waldwick Zoning Board of Adjustment

Official Public Monthly Meeting:
August 27, 2025