



ZONING BOARD OF ADJUSTMENT

Borough of Waldwick
63 Franklin Turnpike
Waldwick, New Jersey 07463



In The Matter of:
The Application of
SIMAN MALEKSON
For Variance Relief with Respect to:
107 East Prospect Street
R-2 Zone
Lot 46, Block 41
Waldwick, New Jersey

Resolution of Memorialization
As To "Official Action" **Granting**
Variance Relief To construct a
one-story addition to the side
of the residence.

WHEREAS, Siman Malekson, hereinafter referred to as "Applicant", applied to this Board of Adjustment for variance relief to construct a one story addition to the right side of the existing premises located on Lot 46 in Block 41, 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 September 24, 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 September 24, 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 46 in Block 41, 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 for comment was provided.
5. The Applicant proposes to construct a one-story addition to the right side of the subject premises. The proposed improvements

continue an existing violation of the required side yard setback distance on the left side of the building which is not the subject of the proposed addition and which will remain unchanged in its dimensions, thus not altering that nonconformity but simply maintaining said nonconformity. Applicant has requested that the existing nonconformity with respect to the left side yard setback (which configuration long predates this application), be granted continued variance relief. No additional nonconformities are being created or exacerbated. The property survey shows the existing side yard setback is already non-conforming for the R-2 zone with respect to the left side of the property, as detailed below and is proposed to simply be maintained with the proposed improvements. In all other respects the property will remain fully conforming after the proposed renovations and addition. The subject premises are presently conforming, with respect to the percentage of improved lot coverage and all required setbacks, except for side yard setbacks. With respect to the continued variance and maintaining that nonconformity requested for side yard setback, presently the side yard setbacks are five and nine tenths (5,9') feet for one side yard and a total of forty-three and two

tenths (43.2') feet for both side yards combined, where the Code requires a minimum of ten (10') feet and twenty-five (25') feet, respectively. That condition is proposed to continue and simply be maintained without change.

6. The percentage of impervious coverage is and will continue to be conforming.
7. The property being a corner lot, there are two required front yard setbacks, both of which will continue to be conforming, as they are presently.
8. The subject property meets or exceeds all of the R-2 Zone bulk requirements, being one hundred (100') feet wide, where seventy-five (75') feet are required and has an area of ten thousand (10,000) square feet, where an area of seven thousand, five hundred (7,500) square feet is required. Width of the property would give rise to no need for any variances, but for the placement of the home on the lot, a condition which dates back to the original construction of the premises, is the subject of an existing side yard setback variance, as previously described. It is reasonable to permit the side yard setback relief by way of continuing the existing variance, 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 one-story, right-side 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 of the existing variance, as noted, does not change any side yard setback distances 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 one-story, right side addition to the existing premises, as described in the application and did grant the continuation of the existing variance relief for the left side yard 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 September 24, 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 October 22, 2025.

Official Public Monthly Meeting: October 22, 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 8 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 September 24, 2025, a quorum of the membership being present, at the regular official public meeting of said Board of Adjustment held on October 22, 2025.



JOYCE SINCLAIR, Secretary
Waldwick Zoning Board of Adjustment

Official Public Monthly Meeting:
October 22, 2025