JOINT LAND USE BOARD OF THE BOROUGH OF STRATFORD

RESOLUTION NO. _2026.16_____

CONCERNING THE APPLICATION OF
ZALDA HERNANDEZ
FOR VARIANCE APPROVAL
BLOCK 86, LOT 19
57 WINDING WAY ROAD

WHEREAS, Zalda Hernandez (the "Applicant") has applied to the Joint Land Use Board of the Borough of Stratford (the "Board") for variance approval for property located at 57 Winding Way, known as Block 86, Lot 19 (the "Property"), on the Official Map of the Borough, for the purpose of constructing an attached garage and one-story addition to the existing single family detached residential dwelling; and

WHEREAS, variances are required pursuant to *N.J.S.A.* 40:55D-70(c) because the proposed development of the Property does not comply with the side yard setback, aggregate side yard setback and occupied area requirements of the Borough's R-1 Residential Zoning District; and

WHERAS, the application was deemed complete by the Board on September 24, 2026; and

WHEREAS, a public hearing to consider the application was held by the Board on September 24, 2026, after appropriate public and personal notice was provided to all property owners within 200 feet of the Property and published in the Official Newspaper of the Board, as required by the land development regulations of the Borough of Stratford and the statutes of the State of New Jersey; and

WHEREAS, the Board after carefully considering the evidence presented by the Applicant in support of the Application for variance approval, and after the meeting was opened to the public for their questions, comments and input, has made the following findings of fact:

1. The Applicant is the owner of the Property, approximately 8,250 SF in area, located in the Borough's R-1 Zoning District. The Property is improved with a 1-story single family residential dwelling, concrete driveway, concrete patio and concrete walkways.

2. The Applicant is proposing to construct an attached garage and rear 1-story addition to the existing dwelling.

3. The Applicant applied to the Board for variance approval, providing the Board with the following:

   a. Standard Development Application;

   b. Plan of Survey of Block 86, Lot 19, prepared by Morgan Engineering and Surveying, dated 11/26/2024;

   c. Unsigned Architectural Plan, prepared by Canter Architects,, dated 10/11/25.

4. The taxes on the Property are current.

5. The Applicant has paid and/or posted all required fees and agreed to keep the review escrow current.

6. Proper notice of the Application for variance approval has been given, based upon the certified list from the Office of the Stratford Tax Assessor.

7. The Applicant's proposed development of the Property requires the following bulk variances:

   a. Side Yard Setback – 10 feet required, 7.1 feet proposed;

   b. Aggregate Side Yard Setback – 25 feet required, 17.1 feet proposed; and

   c. Occupied Area – 30 percent maximum permitted, 36.5% proposed.

8. The Applicant provided the following sworn testimony during the September 24, 2026 Public Hearing:

   a. The Property was in total disarray and not livable at the time of her purchase; she is improving the appearance of the Property;

   b. After she moved in and commenced renovations, she realized she needed more space for her family, including two older family members;

   c. The addition will be for a garage and additional living area;

   d. The neighbors have a fence along the property line where the addition results in the 7' side yard setback;

   e. She may add her own fence in the future;

   f. The addition will not project beyond the existing front and rear of the existing dwelling; the house is basically being squared off;

   g. A front porch going across the front of the house will also be added;

h. The addition will consist of a garage with a family room; 2 of the existing bedrooms will be enlarged;

i. The garage will be accessed by the existing driveway;

j. The Property backs up to Beaver Circle with Borough space to the rear;

k. The proposed addition will be located along the property line common with Lot 18 with the respective driveways located along the common property line;

l. The house on Lot 18 is a mirror image of the dwelling located on the Property.

10. Mr. C. Reilly, appearing for the Board Engineer, confirmed the side yard, aggregate side yard and occupancy variances required for the proposed development of the Property as well as describing that the Property's driveway will be expanding slightly along the front portion, and that this widening was included in the variance calculations.

11. During the public portion of the September 24, 2026 hearing, Dale Schmidt, a resident of 61 Winding Way Road, testified that he is 2 houses down from the Property and that he had no objection to the proposed addition but he was concerned with the length of construction and maintenance of the job site as the construction activities recently taking place on the Property were not properly policed by the Applicant or her contractors.

AND WHEREAS, based upon the above factual findings, the Joint Land Use Board has come to the following conclusions:

1. This application relates to a specific piece of property and the purposes of the zoning laws of the State of New Jersey and the zoning ordinance of the Borough of Stratford would be advanced by the deviation from the zoning ordinance requirements specified herein for side yard setback, aggregate side yard setback, and occupied area, as requested by the Applicant.

2. The benefits of the deviation from the zoning ordinance requirements specified herein would substantially outweigh any detriment to the public good as variance approval would allow for the development of the Property, and otherwise promote the safety, health and general welfare of the Township.

3. Relief as requested by the Applicant can be granted without substantial detriment to the public good and will not substantially impair the intent and purpose of the zone plan and zoning ordinance of the Borough.

4. The Applicant has submitted the necessary information, in the form of plans and testimony, for the Board to make an informed decision on the Application.

NOW, THEREFORE, BE IT RESOLVED by the Joint Land Use Board of the Borough of Stratford, on the 24th day of September, 2026, that this Board hereby grants to the Applicant variances to permit (i) a side yard setback of 7.1 feet, (ii) an aggregate side yard setback of 17.1 feet and (iii) an occupied area of 36.5% for the construction of an attached garage and 1-story rear addition to the existing 1-story dwelling, in accordance with the application, plans and testimony submitted by the Applicant, subject to the following:

1. Proof that the Applicant has applied for the necessary approval(s) from all other agencies having jurisdiction over the Applicant's use of the Property shall be filed with the Borough of Stratford.

2. The fulfillment of all conditions precedent shall forthwith be reported in writing to the Borough of Stratford, which may cause such reports to be verified in an appropriate manner. Only upon the fulfillment of all conditions shall the site plan be signed or any required building permit, certificate of occupancy or zoning permit be issued.

3. Nothing herein contained shall be deemed to waive or modify the requirement that the Applicant obtain from any and all other agencies having jurisdiction in this matter, any and all approvals required by law and this approval is specifically conditioned upon the Applicant obtaining those approvals.

4. Subject to the sworn testimony of the Applicant at the September 24, 2026 Public Hearing, whether formalized in this Resolution or not.

5. Subject to the Applicant securing all permits required prior to the start of construction with the Applicant being advised that variance approval does not guarantee the issuance of any required zoning permit, construction permit or certificate of occupancy as the Applicant is subject to all applicable codes, statutes, ordinances, rules and regulations governing the issuance of said permits or certificates.

6. Subject to the Applicant assuming all risk if construction of the improvements commences prior to the expiration of the appeals period.

7. Subject to the comments of the Board Engineer as contained in the September 18, 2026 Review Letter of Bach Associates, PC, by Steven M. Bach, PE, RA, PP, CME, except as may be modified herein.

HERNANDEZ - RESOLUTION NO. _____

ROLL CALL VOTE

Those in Favor: 7

Those Opposed: 0

Those Abstaining: 1

CERTIFICATION

I hereby certify that this foregoing Resolution is a true memorializing resolution, as adopted by the Joint Land Use Board of the Borough of Stratford in accordance with its decision at its regular meeting on September 24, 2026.

JOINT LAND USE BOARD
OF THE BOROUGH OF STRATFORD

Attest:

By: _____
PAUL McGOVERN, Chairman

_____
SHARON McCART,
Administrative Official

Dated: 10-28-2026

Date of Approval: September 24, 2026

Date of Memorialization: October 22, 2026