

BOROUGH OF AUDUBON



JOINT LAND USE BOARD 2025 ANNUAL REPORT

**JOINT LAND USE BOARD MEMBERS
JANUARY 1, 2025 TO DECEMBER 31, 2025**

MEMBER NAME	CLASS	TERM EXPIRATION
Mayor Robert Jakubowski	Class 1	May 31, 2029
James Rosell, Jr.	Class 2	August 13, 2026
Commissioner David Alemi	Class 3	December 31, 2025
Steve Connelly	Class 4	July 6, 2027
Dan Gaspari	Class 4	June 30, 2026
Paul Hartstein, Jr.	Class 4	July 6, 2027
Jim Kindya	Class 4	June 30, 2026
Mark Owens	Class 4	July 6, 2029
Dave Thompson, Chairman	Class 4	July 6, 2027
Michael Sullivan	ALT. 1	June 30, 2027
Kevin Moran	ALT. 2	August 14, 2026
Jodi Clark	ALT. 3	June 30, 2027

**JOINT LAND USE BOARD PROFESSIONALS AND STAFF
JANUARY 1, 2025 TO DECEMBER 31, 2025**

Steven M. Bach, PE, RA, PP, CME – Board P.E./P.P. – Bach Associates, P.C.

Matthew P. Madden, Esquire – Board Solicitor – Madden & Madden, P.A.

Dawn Coleman/Danielle Ingves – Board Secretary

**BOROUGH OF AUDUBON
JOINT LAND USE BOARD
2025 ANNUAL REPORT**

INTRODUCTION

The New Jersey Municipal Land Use Law, N.J.S.A. 40:55D-70.1, requires that a Zoning Board of Adjustment, “shall, at least once a year, review its decisions on applications and appeals for variances and prepare and adopt by resolution a report on its findings on zoning ordinance provisions which were the subject of variance requests and its recommendations for zoning ordinance amendments or revisions, if any. The Zoning Board of Adjustment shall send copies of the report and Resolution to the Governing Body and planning board.”

The Joint Land Use Board of the Borough of Audubon is a combined board encompassing both the Planning Board for the Borough of Audubon and the Zoning Board of Adjustment for the Borough of Audubon. In accordance with N.J.S.A. 40:55D-70.1, the following constitutes the report on applications for variances and appeals heard by the Joint Land Use Board of the Borough of Audubon (the “Board”) during the year 2025.

To the extent “Standard Conditions” is referred to herein, such phrase shall mean that the approvals were conditioned upon (a) the applicant complying with all testimony, submissions and representations made at the time of the public hearing; (b) the applicant obtaining any and all necessary outside agency approvals; (c) the applicant complying with any and all comments and conditions identified within the report prepared by Steven M. Bach, P.E., P.P., C.M.E except as modified at the time of the hearing; and (d) the applicant complying with all the other terms and conditions of the Zoning Ordinance and Building Code of the Borough of Audubon, and the Statutes of the State of New Jersey.

2025 MEETING SUMMARY

The Borough of Audubon Joint Land Use Board met seven (7) times between March 12, 2025 and December 10, 2025. The meetings involved seven (7) separate applications in which requests for variance relief were heard to a decision. Because certain applications involve more than one (1) variance request, a total of twenty-six (26) separate variances were requested by the respective applicants. Among those requests were four (4) separate requests for use variance relief pursuant to N.J.S.A. 40:55D-70(d)(1); and twenty (22) separate requests for bulk variance relief pursuant to N.J.S.A. 40:55D-70(c).

The Board approved three (3) requests for use variance relief and denied one (1) request for use variance relief in addition to approving twelve (12) requests and denying ten (10) requests for bulk variance relief. Moreover, while not required to be included in this report because variance relief was not sought, the Board approved one (1) application for a preliminary site plan approval for the property located at 263 South White Horse Pike. The details of each of the variance requests, and the Board findings with regard to the same, are set forth in detail herein.

SUMMARY OF BOARD DECISIONS

March 12, 2025

Joseph Scarpello

119 Payson Avenue (Block 113, Lots 12.01, 13 & 14.01), Residential (R) Zone

Approval of two (2) bulk variances permitting the installation of an in-ground pool and paver patio. The Applicants were granted bulk variance relief permitting (1) a rear yard setback to the pool of four feet (4') where, pursuant to Ordinance § 113-382(3)(c)(2), the required rear yard setback is twenty-five feet (25'); and (2) impervious coverage at the Property totaling fifty-five and four tenths percent (55.4%) where, pursuant to Ordinance § 113-382(3)(c)(2), the maximum permitted impervious coverage in the R Zoning District is forty percent (40%). The approvals were granted subject to the Standard Conditions in addition to being conditioned upon the Applicant (1) ensuring fencing is installed and maintained around the pool which complies with Borough Ordinance requirements; (2) utilizing DEP-approved permeable pavers installed in accordance with DEP best practices for the proposed paver patio; (3) extending the drainage trench system to the front corner of the home and ensuring that the downspouts located along the north side of the home are tied into the trench and drain system; (4) the Applicant sizing the trench and drain system proposed to mitigate stormwater runoff appropriately to accommodate the additional lot coverage; and (5) the Applicant removing 267 square feet of proposed coverage from the proposal. Resolution 2025-01 was adopted on April 9, 2025, memorializing the approvals granted.

April 9, 2025

Rich Hill

28 West Merchant Street (Block 55, Lot 3), Business (B-1) Zoning District

Approval of a use variance and four (4) bulk variances permitting the minor subdivision of the subject property in order to create a new lot out of the southernmost portion of the Property. The portion of the property being subdivided contains a one-story, vacant structure and the Applicant proposed the construction of a second floor addition atop the existing structure and the renovation of the new two-story structure to contain four (4) residential apartment units, two (2) of which would be located on the ground floor. Ordinance § 113-386(1) provides that a building may be altered or used and a lot may be used or occupied for certain

specified uses and no others and further specifies in § 113-386(e) that apartments are a permitted use provided they are located on the second floor. The Applicant's proposed use of the Property, therefore, is not expressly permitted in the Business (B-1) Zoning District and, as such, the Applicant sought use variance relief in accordance with N.J.S.A. 40:55D-70(d)(1). In addition, the Board granted bulk variances permitting (1) a front yard setback of 3.8 feet where the minimum required front yard setback is twelve feet (12'); (2) a side yard setback of 0.7 feet on the western lot line where the minimum required side yard setback is five feet (5'); (3) a side yard setback of 0.2 feet on the eastern lot line where the minimum required side yard setback is five feet (5'); (4) lot coverage on proposed lot 1.01 of 82.26% where the maximum permitted lot coverage is eighty percent (80%); and (5) the provision of thirty (30) parking spaces for the church use remaining on the lot where a minimum of thirty-nine (39) parking spaces are required.

The use and bulk variance relief was granted subject to the standard conditions in addition to conditions requiring that (1) the proposed Minor Subdivision Deed is executed by the Board Chair and Secretary in accordance with the Municipal Land Use Law; (2) the Applicant memorializing the minor subdivision in accordance with the Municipal Land Use Law; (3) the Applicant record a pedestrian access easement giving occupants of the apartments the right to traverse the church property in order to travel from the apartment rear parking lot to the front of the apartment building and, in advance of the recordation of the easement, submitting a draft pedestrian access easement to the Board Professionals which will be subject to their review and approval; (4) the Applicant recording a vehicular access easement giving users of the church parking lot the right to traverse the apartment property in order to access the church parking lot and, in advance of the recordation of the easement, submitting a draft vehicular access easement to the Board Professionals which will be subject to their review and approval; (5) the Applicant coordinating with the Borough to determine the appropriate location to place trash for removal services; (6) the Applicant making adjustments to the exterior lighting to the satisfaction of the Board Engineer; and (7) the Applicant submitting revised plan to the Board Engineer reflecting the modification agreed upon at the public hearing, which plans will be subject to the review and approval of the Board Engineer. Resolution 2025-03 was adopted on June 11, 2025, memorializing the approvals granted.

October 8, 2025

Kyle Abbott and Amanda Hertler

504 Walnut Avenue (Block 131, Lots 48 and 49), Residential (R) Zone

Approval of three (3) bulk variances permitting the construction of a two-story, rear addition along with a detached garage. The Applicants were granted bulk variance relief permitting (1) a side yard setback of 2.8 feet where, pursuant to Ordinance § 113-382(3)(b)(2)(i), the minimum required side yard setback is 5 feet; (2) a rear yard setback of 21.6 feet where, pursuant to Ordinance § 113-382(3)(b)(3), the minimum required rear yard setback is 25 feet; and (3) building coverage totaling 27.7% where, pursuant to Ordinance § 113-382(3)(c)(1), the maximum permitted building coverage is 25%. The approvals were granted subject to the Standard Conditions in addition to being conditioned upon the Applicants submitting a grading plan to the Board Engineer which demonstrates to the satisfaction of the Board Engineer that the proposed improvements will not have a negative impact on the adjacent properties, and which will be subject to the Board Engineer's review and approval as a precondition to the issuance of construction permits for the project. Resolution 2025-05 was adopted on November 12, 2025, memorializing the approvals granted.

G & G Land Holding, Inc.

415 South White Horse Pike (Block 46, Lot 2.05), Business (A-1) Zone

Approval of a use variance and one (1) bulk variance permitting the renovation and conversion of the second floor of the existing structure, located atop a law office, to contain a one-bedroom residential apartment. Ordinance § 113-384(1) provides that a building may be altered or used and a lot may be used or occupied for certain specified uses and no others and does not expressly permit the use of the second floor of the Property as a residential apartment. Further, the Borough Ordinance mandates that, for the proposed combined use of the Property, ten (10) parking spaces are required while the Applicant proposed a total of nine (9) parking spaces. The use and bulk variance were approved subject to the Standard Conditions. Resolution 2025-06 was adopted on November 12, 2025, memorializing the approvals granted.

October 8, 2025
(cont.)

Flagship New Jersey Opco, LLC
755 South White Horse Pike (Block 50, Lots 1, 1.01, 2, 2.01, 3, 3.01 and 22)
Business (B) Zone

Approval of a use variance permitting the Property to be renovated and used as a full-service car wash with eighteen (18) vacuum parking stalls. Ordinance § 113-385(1) provides that a building may be altered or used and a lot may be used or occupied for certain enumerated uses and no others and does not expressly permit the use of the Property as a commercial car wash facility. The use variance was approved subject to the Standard Conditions along with conditions requiring (1) that the Applicant obtain subsequent site plan approval and approval of any and all necessary bulk variance from the Joint Land Use Board; and (2) that the Applicant supply a report during site plan review confirming the ability to comply with noise requirements and limitations. Resolution 2025-07 was adopted on November 12, 2025, memorializing the approval granted.

November 12, 2025

JF Property Management LLC
305 East Atlantic Avenue (Block 58, Lots 4.01 & 4.02), Business (B) Zone

Denial of application seeking use variance relief and ten (10) bulk variances. The Applicant sought use variance relief permitting the renovation and conversion of the former Masonic Lodge into nine (9) residential apartment units along with roof decks. Ordinance §113-385, which enumerates the permitted uses in the B Zoning District, provides in subsection M that apartments are a permitted use, provided such apartments are located above the ground floor in buildings therein having professional and medical uses. Further, the Borough Land Development Ordinance does not expressly permit roof decks. The Applicant's proposal to have apartment units on the ground floor and roof decks required use variance relief. In addition, the proposal required bulk variance relief for the following proposed conditions: (1) a lot area of 11,832 square feet where the minimum lot area for multifamily dwellings shall be 30,000 square feet; (2) lot widths of 52 feet and 36 feet where the minimum lot width is 200 feet; (3) an aggregate side yard setback of 9.4 feet where the minimum aggregate side yard setback is 30 feet; (4) a rear yard setback of 39.6 feet where the minimum rear yard setback is 45 feet; (5) building coverage of 48.5% where the maximum building coverage is 70%; (6) lot coverage of 90.5% where the maximum lot coverage

is 70%; (7) a building height of 35.4 feet where the maximum permitted building height is 35 feet; (8) a 1.8 foot setback to a parking area where the minimum setback to a parking area is 25 feet; (9) the provision of 3 off-street parking spaces where, pursuant to Ordinance § 113-386(3)(c)(1) the Applicant must provide a minimum of 19 off-street parking spaces, and (10) permitting the provision of no buffer where, pursuant to Ordinance § 113-383(4), a landscaped buffer of eight feet in width and height must be installed. The Board denied the relief sought and adopted Resolution 2025-08 on December 10, 2025, memorializing the denial of the application.

December 10, 2025

Zachary Hemple

151 East Pine Street (Block 18, Lot 17.08), Residential (R) Zone

Approval of two (2) bulk variances permitting the installation of a six foot (6') high, solid, wood fence. Pursuant to Ordinance § 113-442(c) fencing shall not be erected from the rear house line forward which is in excess of four feet (4') high and, pursuant to Ordinance § 113-442(d). no fence shall be erected from the front house line forward that is a solid fence. The Applicant was granted bulk variance relief permitting (1) fencing located from the rear house line forward of six feet (6') high which is in excess of the maximum height permitted by Ordinance § 113-442(c) and (2) solid fencing located forward of the front house line which is not permitted pursuant to Ordinance § 113-442(d). The approvals were granted subject to the Standard Conditions in addition to being conditioned upon the Applicant ensuring that all fencing is located within the property lines and does not encroach into the public right-of-way. Resolution 2025-09 was adopted on February 11, 2026, memorializing the approvals granted.

RECOMMENDATIONS FOR ZONING ORDINANCE AMENDMENTS

The foregoing constitutes the Annual Report of the Joint Land Use Board of the Borough of Audubon for the year 2025 in accordance with N.J.S.A. 40:55D-70.1.

Dated:

Matthew P. Madden

**MATTHEW P. MADDEN, ESQUIRE
SOLICITOR, JOINT LAND USE BOARD
BOROUGH OF AUDUBON**