

IN THE MATTER OF THE APPLICATION OF

G & G LAND HOLDING, INC.

**FOR USE VARIANCE RELIEF
FOR THE PROPERTY LOCATED AT**

**415 SOUTH WHITE HORSE PIKE
BOROUGH OF AUDUBON, NJ
BLOCK 46 – LOT 2.05**

**BOROUGH OF AUDUBON
JOINT LAND USE BOARD
RESOLUTION OF
MEMORIALIZATION**

RESOLUTION NUMBER 2025-06

WHEREAS, G & G Land Holding, Inc., whose address is 415 South White Horse Pike, Audubon, New Jersey 08106, hereinafter referred to as the “Applicant”, is the owner of the property located at 415 South White Horse Pike, Audubon, New Jersey, which property is designated on the Tax Map of the Borough of Audubon as Block 46, Lot 2.05, hereinafter referred to as the “Property”; and

WHEREAS, the Applicant was represented by Robert A. Gleaner, Esquire of Robert A. Gleaner, P.C. Legal Solutions, with offices located 415 South White Horse Pike, Audubon, New Jersey 08106; and

WHEREAS, the Property is located in the Business (A-1) Zoning District; and

WHEREAS, the Property consists of an interior lot with dimensions of fifty feet wide by one hundred and fifty feet deep (50’ x 150’) upon which is situate a one and one-half-story structure, the first floor of which is used as a law office, a driveway and parking facilities which can accommodate up to nine (9) parking spaces, along with associated site improvements; and

WHEREAS, the Applicant proposes to renovate and convert the second floor of the Property into a one-bedroom residential apartment unit; and

WHEREAS, the Borough of Audubon Land Development Ordinance § 113-384(1) enumerates the permitted uses in the A-1 Zoning District and does not expressly permit the use of the second floor of the Property as a residential apartment; and

WHEREAS, the Applicant's proposed use of the Property, therefore, is not expressly permitted in the Business (A-1) Zoning District by the governing Zoning Ordinance and, as such, the Applicant's proposal requires use variance relief in accordance with N.J.S.A. 40:55D-70(d)(1); and

WHEREAS, the Borough of Audubon Land Development Ordinance mandates that, for the proposed combined use of the Property, ten (10) parking spaces are required while the Applicant proposes a total of nine (9) parking spaces and, as such, the Applicant also requires bulk variance relief permitting the provision of less than the minimum number of required parking spaces pursuant to N.J.S.A. 40:55D-70(c); and

WHEREAS, Steven M. Bach, P.E., P.P., C.M.E., Engineer/Planner for the Joint Land Use Board of the Borough of Audubon, has submitted a report dated October 2, 2025, which report is incorporated herein by reference; and

WHEREAS, the Application came before the Joint Land Use Board of the Borough of Audubon for Public Hearing on Wednesday, October 8, 2025 with the following members being present: Mayor Robert Jakubowski; Commissioner David Alemi; Chairman David Thompson; Vice-Chairman, Mark Owens; James Kindya; Dan Gaspari; James Rossell, Jr.; Kevin Moran;

Michael Sullivan; and Jodi Clark along with Steven M. Bach, PE, RA, PP, CME, Engineer for the Joint Land Use Board; Matthew P. Madden, Esquire, Solicitor for the Joint Land Use Board; and Dawn Coleman, Secretary for the Joint Land Use Board; and

WHEREAS, Mayor Jakubowski and Commissioner Alemi recused themselves from the hearing and vote on the application based upon the nature of the D variance relief sought by the Applicant and said members respective positions as the Class 1 and Class 3 members of the Board; and

WHEREAS, the Applicant submitted with this application the following upon which the Board relied, in part, in rendering its decision:

- a. Borough of Audubon Land Development Application dated August 4, 2025.
- b. Certification of Entity Membership.
- c. Document entitled "Brief Explanation of Application" consisting of one (1) page.
- d. Property Deed dated June 16, 2021.
- e. Correspondence from Robert A. Gleaner, Esquire dated September 16, 2025.
- f. Plan entitled "Site Plan Waiver & Change of Use, 415 S. White Horse Pike (NJ Route 30) Block 46, Lot 2.05, Plate 11, Borough of Audubon, Camden County, New Jersey" prepared by Samuel J. Agresta, P.E., P.P., C.M.E., of Agresta Engineering & Planning dated June 30, 2025.
- g. Proofs of Service and Publication of Public Notice; and
- h. Notice of Hearing to Property Owners.

WHEREAS, at the time of the public hearing, the Applicant's counsel submitted an additional exhibit, which was duly marked and entered into evidence as Exhibit A-1, and which consisted of an aerial rendering of the Property and improvements thereon; and

WHEREAS, the Board duly considered the application and Exhibits in detail, and

WHEREAS, appearing at the public meeting to testify on behalf of the application was Samuel Agresta, P.E., P.P., C.M.E., who was duly sworn, along with the Board Engineer, and being duly qualified by the Board, testified and responded to the questions from counsel for the Applicant and the members of the Joint Land Use Board and Board Professionals; and

WHEREAS, testimony was taken from the Applicant and Applicant's representatives regarding the application, with such testimony being provided as follows:

1. The Property is the site of attorney, Robert A. Gleaner, Esquire's, law office and has been a law office for approximately seventy (70) years.
2. The Property was formerly the site of Mr. Gleaner's father's law office which was then taken over by Mr. Gleaner.
3. At the time it was his father's law office, the Property had an apartment upstairs.
4. Over the course of time, the law practice grew and expanded into the upstairs of the Property at which time the apartment use ceased.
5. Following the COVID pandemic, the manner in which Mr. Gleaner's law practice was conducted changed in that more meetings are conducted remotely, using other means of communication, and that actual office visits by clients became more rare.

6. As a result of the rarity of clients actually coming to the Property, there is more than adequate parking available to accommodate the office use and the proposed apartment use.
7. There are existing, nonconforming conditions at the Property including the front yard setback being 13.81 feet where the Ordinance requires twenty-five feet (25') and the lot coverage being 75.81% where the Ordinance permits maximum lot coverage of 70%.
8. The Applicant proposes to renovate the second floor to contain a one-bedroom apartment.
9. The Applicant contends that the proposed use of the second floor advances several purposes of zoning as enumerated in the Municipal Land Use Law ("MLUL").
10. The Applicant believes the proposal advances purpose D of the MLUL which is to ensure that the development of individual municipalities does not conflict with the development and general welfare of neighboring municipalities, the county and the State as a whole, because the limited nature of the development and minimal impact of the development will not have any impact.
11. There will be limited construction disturbance, and the Applicant will be installing signage to designate two (2) parking spaces for the residential tenant.
12. There will be little to no traffic generated as a result of the conversion of the second floor.
13. The Applicant believes the proposal advances purpose G of the MLUL which is to provide sufficient space in appropriate locations for a variety of agricultural, residential, recreational, commercial and industrial uses and open space, both public and private, according to their respective environmental requirements in order to meet the needs of all

New Jersey citizens by providing for a residential space that will have little to no impact on the surrounding neighborhood.

14. The Applicant noted that the Property is adjacent to the B-1 zone where apartments above a professional office are a permitted use thereby reducing the impact of the proposed use.
15. The Applicant believes the proposal advances purpose H of the MLUL which is to encourage the location and design of transportation routes which will promote the free flow of traffic while discouraging the location of such facilities and routes which result in congestion or blight by providing for a residential space that will have little to no impact on the traffic in the surrounding neighborhood due to the limited occupancy of the proposed apartment.
16. The Applicant believes the proposal advances purpose M of the MLUL which is to encourage coordination of the various public and private procedures and activities shaping land development with a view of lessening the cost of such development and to the more efficient use of land because the use of the second floor at minimal construction cost will create a livable space, with little to no impact on the neighborhood, which is permitted in an adjacent zone, allowing the occupancy of a space which is presently vacant and unused.
17. The Applicant contends that the Property is particularly suitable for the proposed apartment use on the second floor and that, the negative criteria is also satisfied, because the Property will still have a surplus of parking and the Property can accommodate the proposed use without substantial detriment to the public good and that, due to its

proximity to a zoning district in which this use is permitted, there will be no substantial detriment to the zone plan and zoning ordinance.

18. The Applicant is agreeable to complying with all of the terms and conditions of the review letter prepared by the Board Engineer in its entirety.

19. The Applicant believes the requested relief satisfies both the positive and negative criteria attendant to the Board's consideration of the use variance relief requested.

WHEREAS, the meeting was opened to the public and, there being no members of the public who appeared to question the Applicant or to provide comments on the application, the public portion of the hearing was duly closed; and

WHEREAS, the Application was reviewed and discussed at length at the meeting; and

WHEREAS, upon Motion duly made by Dan Gaspari and seconded by David Thompson with respect to the approvals sought and described herein, the Joint Land Use Board of the Borough of Audubon unanimously approved the application by a vote of seven in favor and zero opposed (7-0) based upon the sworn testimony of the Applicants, the Applicants' submission materials and the conditions as set forth above and hereafter.

The voting on the application was as follows:

Mayor Jakubowski:	Recused/Abstained
Commissioner Alemi:	Recused/Abstained
David Thompson:	Yes
Mark Owens:	Yes
Dan Gaspari:	Yes
James Kindya:	Yes
James Rossell, Jr:	Yes
Michael Sullivan:	Yes
Kevin Moran:	Yes

NOW THEREFORE, The Joint Land Use Board of the Borough of Audubon makes the following findings of fact and conclusion of law with respect to the use variance sought by the Applicant and described herein, *to wit*:

1. The application and public notices are in proper order as required by statute and ordinance.
2. The Applicant is the owner of the Property and has standing to pursue the approvals described herein.
3. The Applicant seeks use variance relief pursuant to N.J.S.A. 40:55D-70(d) permitting the renovation and conversion of the second floor of the Property into a one-bedroom, residential apartment.
4. The Applicant has demonstrated the requisite proofs in accordance with the Municipal Land Use Law and the Borough of Audubon land development ordinance for the granting of the use variance relief and the proposed use described herein. Specifically, the Applicant has demonstrated that special reasons exist for the granting of the use variance, that the Property is particularly suited for the proposed use; that the Applicant's proposal advances certain purposes of the Municipal Land Use Law; that the granting of such use variance will not substantially impair the intent and purpose of the zone plan and zoning ordinance or the Borough Master Plan; and that the granting of such relief will not operate as a substantial detriment to the public good.
5. The Applicant has additionally demonstrated that the proposed use is not inconsistent with the Borough Master Plan.
6. The Applicant additionally seeks and is granted bulk variance relief allowing the provision of nine (9) parking spaces where a minimum of ten (10) parking spaces are required.

7. The Applicant has further demonstrated the requisite proofs in accordance with N.J.S.A. 40:55D-70(c)(2) of the Municipal Land Use Law for the granting of the bulk variance. Specifically, the Applicant has demonstrated that the proposal advances certain purposes of the Municipal Land Use Law and that the benefits in granting the application substantially outweigh any detriments.

8. The Joint Land Use Board of the Borough of Audubon grants approval of the requested use variance and bulk variance described herein permitting the conversion of the second floor of the Property into a one-bedroom apartment and the provision of nine (9) parking spaces where ten (10) are required as more specifically described herein.

NOW THEREFORE BE IT RESOLVED that the application of G & G Land Holding, Inc. for use variance and bulk variance relief, as aforesaid and described herein is hereby approved as noted above.

BE IT FURTHER RESOLVED that the approvals are expressly conditioned and contingent 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 permits and outside agency approvals; (c) the Applicant complying with any and all comments and conditions identified within the report dated October 2, 2025 prepared by Steven M. Bach, P.E., P.P., C.M.E.

BE IT FURTHER RESOLVED that the Applicant comply 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.

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to the Applicant following its adoption.

The foregoing is a true and memorializing resolution adopted by the Borough of Audubon Joint Land Use Board and is in accordance with its decision at its regular monthly meeting of October 8, 2025.

The effective date of this Resolution shall be November 12, 2025.

AUDUBON JOINT LAND USE BOARD

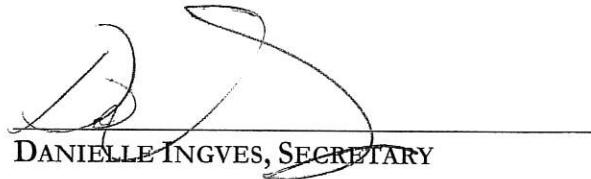


DAVID THOMPSON, CHAIRMAN

Dated: November 12, 2025

CERTIFICATION

I hereby certify that the foregoing resolution is a true memorialization of the Joint Land Use Board hearing on this application held on October 8, 2025, as memorialized by the Joint Land Use Board of the Borough of Audubon at the regular meeting of the Joint Land Use Board held on November 12, 2025.



DANIELLE INGVES, SECRETARY

Dated: November 12, 2025