

**IN THE MATTER OF THE APPLICATION OF
FLAGSHIP NEW JERSEY OPCO, LLC**

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

**755 SOUTH WHITE HORSE PIKE
BOROUGH OF AUDUBON, NJ
BLOCK 50 – LOTS 1, 1.01, 2, 2.01, 3, 3.01 & 22**

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

RESOLUTION NUMBER 2025-07

WHEREAS, Flagship New Jersey Opco, LLC, whose address is 2 Mid America Plaza, Suite 450, Oakbrook, IL 60181, hereinafter referred to as the “Applicant”, is the prospective tenant of the property located at 755 South White Horse Pike, Audubon, New Jersey, which is also designated on the Tax Map of the Borough of Audubon as Block 50, Lots 1, 1.01, 2, 2.01, 3, 3.01 and 22, hereinafter referred to as the “Property”; and

WHEREAS, the Applicant was represented by Damien O. Del Duca, Esquire of Del Duca, Lewis & Berr, LLC, with offices located at 21 East Euclid Avenue, Haddonfield, New Jersey 08033; and

WHEREAS, the Property is owned by 1024 Market Street, Inc. and Alinea Investments, LLC, which have consented to the Applicant making the present application; and

WHEREAS, the Property is located in the Business (B) Zoning District; and

WHEREAS, the Property consists of an irregularly shaped corner lot located at the northeast corner of South White Horse Pike (U.S. Route 30) and East Kings Highway (County Route 551) which has an overall area of 1.24 acres and which has 172.05 feet of frontage on

South White Horse Pike and 253.68 feet of frontage on East Kings Highway, upon which is situate a one story brick building with an area of 12,024 square feet along with parking facilities which were formerly used as a retail drug store and a retail AT&T store; and

WHEREAS, the Applicant proposes to renovate, repurpose, and convert the existing building and the Property into a commercial car wash facility; and

WHEREAS, the Borough of Audubon Land Development 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; and

WHEREAS, the Applicant's proposed use of the Property, therefore, is not expressly permitted in the Business (B) 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, 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 two (2) separate reports dated June 5, 2025 and October 2, 2025 respectively, which reports are incorporated herein by reference; and

WHEREAS, the application came before the Joint Land Use Board of the Borough of Audubon for Public Hearing on two (2) separate occasions as follows:

On Wednesday, June 11, 2025 with the following members being present: Mayor Robert Jakubowski; Commissioner David Alemi; Chairman David Thompson; Vice-Chairman, Mark Owens; Steve Connelly; Dan Gaspari; James Rossell, Jr., and Kevin Moran along with Steven M. Bach, PE, RA, PP, CME, Engineer for the Joint Land Use Board; and Matthew P. Madden,

Esquire, Solicitor for the Joint Land Use Board; and

On Wednesday, October 8, 2025 with the following members being present: Mayor Robert Jakubowski; Commissioner David Alemi; Chairman David Thompson; Vice-Chairman, Mark Owens; Dan Gaspari; James Rossell, Jr., Michael Sullivan; Kevin Moran and Jodi Clark along with Steven M. Bach, PE, RA, PP, CME, Engineer for the Joint Land Use Board; and Matthew P. Madden, Esquire, Solicitor for the Joint Land Use Board; and

WHEREAS, Mayor Jakubowski and Commissioner Alemi recused themselves from the hearings and vote on the application based upon the nature of the application and relief sought by the Applicant and their positions as Class 1 and Class 3 members of the Board, respectively; and

WHEREAS, Board Members Michael Sullivan and Jodi Clark, who were not in attendance at the June 11, 2025 hearing, have duly certified, in accordance with N.J.S.A. 40:55D-10.2, that they have reviewed the audiotape of the June 11, 2025 public hearing as it pertains to this application in its entirety; and

WHEREAS, the Applicant submitted with this application the following:

- a. Borough of Audubon Land Development Application dated April 25, 2025.
- b. Summary of application consisting of two (2) pages.
- c. Cover letter dated May 8, 2025 from Damien O. Del Duca, Esquire.
- d. Ownership Disclosure Statement consisting of three (3) pages.
- e. Audubon Borough Land Development Checklist.
- f. Five (5) color photographs of property existing conditions.
- g. Correspondence dated June 9, 2025 from Damien O. Del Duca, Esquire enclosing

Ownership Disclosure Statement consisting of four (4) pages.

- h. Alta\NSPS Land Title Survey (sheet No. AL-1) prepared by Edward S. Ruchin, P.L.S. of BL Companies Architecture Engineering Environmental Land Surveying dated April 22, 2025 entitled "Spotless Brand 755 S. White Horse Pike, Audubon Borough, New Jersey.
- i. Plan entitled Use Variance Plan (Sheet No. C1.00) prepared by Jose I. Lazo, P.E. of BL Companies Architecture Engineering Environmental Land Surveying dated April 23, 2025 consisting of one (1) sheet.
- j. Architectural plans prepared by BL Companies dated April 9, 2025 consisting of three (3) sheets as follows:
 - a) Architectural Site Plan
 - b) Proposed First Floor Plan
 - c) Proposed Elevations
- k. Traffic Engineering Assessment prepared by Nathan B. Mosley, P.E., C.M.E. and Christopher R. Campbell, P.E., dated April 22, 2025
- l. Proofs of service and publication of public notice.
- m. Notice of hearing two (2) property owners.

WHEREAS, at the time of the June 11, 2025 public hearing, the Applicant's counsel submitted additional exhibits which was duly marked and entered into evidence as Exhibit A-1 through A-6 which consisted of the following:

Exhibit A-1: Aerial Plan Exhibit

Exhibit A-2: Roadway Exhibit.

Exhibit A-3: Four (4) color aerial drone photographs of existing conditions at the Property.

Exhibit A-4: Use Variance Plan prepared by BL Companies dated April 23, 2025.

Exhibit A-5: Architectural Plans prepared by BL Companies consisting of four (4) sheets as follows:

- a) 3D view.
- b) Proposed elevations.

Exhibit A-6: Alta\NSPS Land Title Survey prepared by BL Companies dated April 3, 2026.

WHEREAS, in advance of the October 8, 2025 public hearing the Applicant submitted supplemental items as follows:

- A. Cover letter dated September 16, 2025 from Damien O. Del Duca, Esquire consisting of two (2) pages.
- B. Revised Use Variance Plan prepared by BL Companies dated September 10, 2025.
- C. Color rendering of Site Plan prepared by BL Companies consisting of one (1) sheet.
- D. Architectural Rendering prepared by BL Companied dated September 16, 2025.
- E. Proposed Elevations prepared by BL Companies dated September 16, 2025.
- F. Proposed First Floor Plan prepared by BL Companies dated April 9, 2025.
- G. Traffic Engineering Assessment prepared by Shropshire Associates, LLC.

WHEREAS, at the time of the October 8, 2025 public hearing, the Applicant's counsel submitted additional exhibits which were duly marked and entered into evidence as Exhibit A-7 through Exhibit A-11 and which consisted of the following:

Exhibit A-7: Architectural renderings and areal via of proposed car wash consisting of four (4) sheets.

Exhibit A-8: Rendered Site Plan of proposed car wash prepared by BL Companies consisting of one (1) sheet.

Exhibit A-9: Use Variance Plan prepared by BL Companies dated September 10, 2025 consisting of one (1) sheet labeled as Sheet No. C1.00.

Exhibit A-10: Architectural Plans prepared by BL Companies consisting of two (2) sheets as follows:

- 1) Proposed Floor Plan.
- 2) Proposed Elevations.

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 were John Lombardo of Flagship New Jersey OPCO, LLC; Jose I. Lazo, P.E., Project Engineer; Nathan B. Mosley, P.E., C.M.E., Project Traffic Engineer; John McDonough, L.A., P.P., A.I.C.P.; and John Taikina, P.P., who were each duly sworn along with the Board Engineer and, each Professional being duly qualified by the Board, the Applicant and Applicant's representatives testified and responded to the questions from their counsel and the members of the Joint Land Use Board and Board Professionals; and

WHEREAS, at the time of the June 11, 2025 public hearing, testimony was taken from the Applicant and Applicant's representatives regarding the application, with such testimony being provided as follows:

1. The Property was developed years ago as a retail pharmacy.
2. After the pharmacy vacated the Property, the Property was occupied by AT&T until approximately 2023.
3. There have been significant challenges in marketing this Property for sale or lease and finding an occupant.

4. Flagship, New Jersey OPCO, LLC is a Division of Spotless Brands and operates a first-class car wash facility.
5. The Applicant proposes the development of the Property as a "Flex Car Wash."
6. A Flex Car Wash is a variation on a traditional car wash whereby a customer first drives through a wet tunnel where the car is washed and thereafter has the option of proceeding through a dry tunnel where the car is dried and interior detailing is done.
7. The Applicant selected the Property because it is a former pharmacy with a drive-thru window which is readily adaptable to the proposed use.
8. The Applicant has been adaptively reusing Rite-Aid buildings in various locations because they are readily adaptable for this use.
9. The Property is in disrepair and needs some love and the Applicant has significant architectural and aesthetic improvements proposed for this site.
10. The Property is located in the (B) Zone where car washes are not listed as a permitted use.
11. One use permitted in the B Zone by Ordinance is an automobile detail garage by special permit although the Ordinance does not define what an automobile detail garage precisely is or what conditions would be applicable to the issuance of a special permit.
12. Over half of the building will be dedicated to interior detailing.
13. The Applicant is pursuing a bifurcated application so that, with its present request they are seeking use variance relief, and they will return to the Board for site plan approval should they be successful with the use variance approval.

14. Additionally, the Applicant will have to obtain approvals from both the County and the New Jersey Department of Transportation because the property is located on both a County Route and a State Highway.

15. The elevations submitted with the Application demonstrate the significant architectural improvements that are proposed.

16. The Applicant believes that the proposed use advances the purposes of zoning and that there will be no material impact on the neighborhood.

17. While the legislature is recognized that all variances are inconsistent with zoning, the key aspect when analyzing the negative criteria is that the proposal is not a substantial detriment or impairment.

18. John Lombardo is employed by Spotless Brands, LLC.

19. Spotless is a not-quite-nationwide company but stretches all the way from the east coast to Arizona.

20. The Applicant, Flagship New Jersey OPCO, LLC, is a division of Spotless Brands, LLC.

21. There are about forty (40) Flagship car washes currently, and Flagship is currently expanding into Pennsylvania and New Jersey.

22. Flagship is a modern, state-of-the-art car wash which will offer expanded full-service car washes which will allow customers the option to go through a dry belt for various interior detailing services.

23. As part of the architectural changes to the building, the Applicant will be painting the entire building, adding metal edifice, and removing corner elements of the roof line.

24. Flagship will operate seven (7) days per week from 8:00 a.m. to 8:00 p.m.
25. On a typical day, there will be twelve (12) employees on site, but on busy days the number of employees may increase to up to eighteen (18) employees.
26. The Applicant proposes twelve (12) employee parking spaces.
27. As for the average time of service, the wet tunnel car wash takes approximately three (3) minutes while the dry tunnel portion of the car wash takes approximately five (5) minutes.
28. The Applicant proposes a parking field running parallel to Kings Highway consisting of a total of twenty-two (22) parking spaces, nineteen (19) of which will be adjacent to a vacuum boom.
29. Exhibit A-5 accurately reflects how the vacuums and booms will look.
30. There is a producer pad at the end of each line of vacuums which creates suction for the vacuums.
31. The Applicant proposes the producer to be located on the Kings Highway side of the building.
32. The pay point/entry lanes are on the north side of the building where the pharmacy drive-thru was formerly located.
33. There will be a dedicated employee who will shepherd people through the point-of-sale lanes.
34. There will be no loudspeaker, speakers or microphones located within the drive-thru lanes.

35. The Applicant chose this location in Audubon because of the strong population density, strong incomes, and because a state-of-the-art car wash is not presently available.
36. The noise generated by the vacuum generating equipment will be heard from the individual boom ends or the vacuums themselves.
37. There are a total of nineteen (19) parking stalls with booms and vacuums proposed.
38. The Applicant believes the proposed parking will be sufficient for the use because, generally, customers do not park at a car wash unless they are either an employee or are vacuuming their car.
39. In Mr. Lombardo's experience, there is adequate parking proposed for this facility.
40. The Applicant is presently constructing two (2) similar car washes in Vineland and Brooklawn.
41. Jose Lazo, P.E. is familiar with the site and the proposed operations of the Applicant.
42. Twelve (12) employee parking spaces are proposed.
43. Vacuum producers will be screened from view with vegetation.
44. A landscape buffer is included on the north side of the Property and, while the buffer is currently in poor condition, the Applicant will add to the buffer and ensure that it meets or exceeds ordinance requirements.
45. While the Applicant does not yet have a landscaping plan, they intend to first evaluate the condition of the existing trees and supplement the landscaping with shrubbery as well as working with Borough consultants to formulate an appropriate landscaping plan.

46. The Applicant agrees to adequately screen the Kings Highway frontage where the booms and vacuums are located.
47. The Applicant will comply with all applicable noise limitations.
48. The vacuum booms along Kings Highway will be screened with bushes and trees.
49. While the Applicant will be providing a buffer that complies with the eight (8) foot width requirement, in those areas where they are able to fit a larger buffer than eight (8) feet, they will.
50. The car wash uses approximately 4,300 gallons per day of sanitary effluent per day.
51. There is enough stacking in the drive-thru lanes to accommodate eighteen (18) cars.
52. The Applicant proposes three (3) lanes approaching the point-of-sale area.
53. Traffic Engineer Nathan Mosley analyzed the existing traffic adjacent to the site as well as the impact of the proposed use on area traffic.
54. Mr. Mosley did traffic counts at various times and performed additional analyses and was able to estimate the peak hours for the area.
55. Because of the on-going construction on Kings Highway, the traffic counts were hampered.
56. As a result, Mr. Mosley pulled data from the database noting that in February 2020 a study was performed which provided data for northbound and southbound Kings Highway which allowed Mr. Mosley to fill in any missing numbers.
57. With regard to Mr. Mosley's trip generation analysis, he consulted the ITE and, to be as conservative as possible, obtained a report from Spotless locations in the Southern United States where they have data from existing facilities.

58. Mr. Mosley took data from a bigger Spotless facility and used it “one to one” to arrive at his trip generation numbers.

59. A car wash generally draws traffic from existing motorist which are referred to as “pass by trips” which means people already driving past the site then decide to patronize it.

60. To be conservative, Mr. Mosely did not factor in pass-by traffic in his analysis but treated all traffic as unique.

61. In Mr. Mosley’s estimation the trip generation was comparable to some of the permitted uses in the (B) Zone, such as a fast-food use or convenience store which generated 200 to 315 trips during peak hours.

62. It was clarified that fast food uses are not permitted in the B Zone.

63. When you add in all of the traffic from this proposed development, the adjacent roadways will remain at their current operation levels, with the exception of Saturdays where, with this traffic added, it takes this over the threshold from a Service Level C to Service Level D.

64. From a traffic engineering perspective, the proposed used will not be a substantial detriment to the public good and will not substantially impair the intent and purpose of the Zone Plan.

65. Certain permitted uses in the (B) Zone have similar traffic generation.

66. There would be a minimal increase in traffic during peak hours, but no material difference in overall traffic.

67. The average queue observed for a similar use is that there are seven (7) vehicles in the queue during weekday peak hours and ten (10) vehicles in the queue during weekend peak hours.

68. The access and circulation to and at the Property will operate safely and efficiently.

WHEREAS, in advance of the October 8, 2025 public hearing, the Applicant revised its proposal and summarized the revisions to their proposal in correspondence dated September 16, 2025 from the Applicant's counsel as follows:

- A. The White Horse Pike driveway has been restricted to right-in/right-out movements only; left turns into and out of the White Horse Pike curb cut will no longer be permitted.
- B. The Applicant reduced the number of pay stations from three (3) to two (2), which allows for more landscape buffering on the north side of the Property.
- C. The Applicant modified the on-site circulation so that all vehicles enter the building on the east side and exit on the west side.
- D. The Applicant improved the on-site circulation controls at the exit of the building and where customers enter the pay station area;
- E. The Applicant significantly revised the proposed architecture. Although the existing building shall be adaptedly reused, the building will look like a new, clean building.
- F. The Applicant increased the landscape buffer for the vacuum parking stalls on the south side of the Property, with arborvitaes and maple trees.
- G. The Applicant now proposes a fence on the north side of the site to further improve the buffer between the car wash and the adjoining residential properties.

WHEREAS, at the time of the October 8, 2025 public hearing, testimony was taken from the Applicant and Applicant's representatives regarding the application, with such testimony being provided as follows:

69. The Applicant is appearing following its June 11, 2025 presentation to continue and conclude that presentation.

70. In the interim, the Applicant has submitted revised plans to the Board.

71. The Property has been vacant for several years and efforts to lease it have been fruitless.

72. The Applicant signed a lease to operate a flex concept car wash at the Property as one of the subsidiaries of Spotless Brands.

73. The Applicant needs use variance relief in order to develop the proposed car wash and, provided they are successful with their pursuit of use variance relief, will return to the Board for site plan approval.

74. The Applicant presented Exhibit A-3 which is an aerial drone photograph of the site and demonstrates that the site is tired and not in great shape.

75. The Applicant proposes to use the vacant building and significantly enhance it.

76. The Applicant is proposing a flex car wash which is full service and has a drying tunnel.

77. During the June meeting, concerns were raised, and the Applicant has gone back and tried to improve on the plan previously presented to the Board.

78. Since the June hearing, the Applicant has updated its Use Variance Plan and submitted it's revised Plan dated September 10, 2025 which supplants the prior Exhibit A-4 presented to the Board at the June 11, 2025 hearing.

79. As part of their revised proposal, the Applicant has eliminated left turns in from the White Horse Pike; eliminated one (1) of the vehicle stacking lanes thereby proposing two (2) stacking lanes as opposed to three (3) stacking lanes, which creates more space and allows the Applicant to add more landscaping and buffering along with a solid fence adjacent to the residences; added landscaping in the area of the vacuum booms; changed the circulation pattern for the site; provided additional traffic counts because Kings Highway is no longer under construction and the Applicant's traffic engineer wanted to get updated counts while school is in session and the Kings Highway construction is completed.

80. The Applicant is obligated to show that the proposal advances a purpose of zoning and that the general welfare is advanced because the site is particularly suitable for the proposed use.

81. The Borough Ordinance is silent as to car washes, although detail garages are permitted by special permit.

82. The benefits in granting the application include the adaptive reuse of the existing building; the fact that there was already good access for the proposed use; and that there will be a dramatic improvement to the visuals at an important corner because the building will be significantly improved aesthetically.

83. The Applicant is additional obligated to demonstrate the negative criteria to the Board, which is, in part, to establish that there would be no substantial detriment to the public good and that the proposed use will not change the nature or character of the neighborhood.

84. The Applicant believes the negative criteria is satisfied here, in part, because this is a heavily commercial area already and, therefore, the site was already designed for a busy commercial use and the proposed commercial use would have little to no impact.

85. To the extent the Applicant requires bulk variance relief, that will be addressed at the time of their site plan application.

86. The Applicant has eliminated one (1) pay station and a pay station lane to allow them to provide additional buffering along the northern side of the building.

87. In addition, the Applicant has restricted the White Horse Pike curb cut to right-in right-out only, thereby eliminating the left turns in from the White Horse Pike which the Board expressed concerns about during the June 11, 2025 hearing.

88. The parking spaces with vacuum booms adjacent to Kings Highway will have a three (3) foot buffer strip and the Applicant will provide plannings to adequately screen these vacuum spaces.

89. The Applicant additionally proposes twelve (12) employee parking spaces located adjacent to the White Horse Pike.

90. As far as circulation is concerned, once an automobile leaves the wet tunnel, it would circulate around the building and then proceed through the dry tunnel.

91. Both tunnels exit on the west side of the building which allows for better circulation and fewer conflicts between vehicles.

92. The Applicant proposes the relocation of the trash enclosure to the northwest corner of the Property and will ensure that the trash enclosure is adequately screened from view.

93. The Applicant does not expect dry tunnel customers queuing to potentially block the Kings Highway entrance based on their history of operations and, further, because by now having vehicles circulating around the building, it gives the Applicant's operations team time to manage and control queuing.

94. The Applicant does not know if there is a Flagship car wash currently operating which has the same circulation patterns as proposed here.

95. Two (2) dry tunnels are proposed for this location, and each dry tunnel can accommodate three (3) cars at one time for a total of up to six (6) cars in the dry tunnels at once.

96. Forty percent (40%) of Flagship's customers will use the dry tunnels while the others will either exit the site or head to the parking field with vacuums.

97. When arriving at the trip generation and stacking volume numbers, the Applicant used four (4) other locations which are similar in function as comparators.

98. The Applicant agrees that there will be no outdoor music or speakers.

99. The Applicant's Traffic Engineer re-studied the site and submitted an amended report to the Board which is dated September 16, 2025.

100. The purpose of the updated report was to re-evaluate traffic counts because Kings Highway was under construction at the time they initially submitted their assessment and the Applicant's traffic engineer wanted to recount with schools back in session; to note the modification of access on the White Horse Pike whereby left turns in where eliminated while they are currently permitted so that that White Horse Pike curb cut will be right-in right-out only; and to perform a stacking and on-site circulation analysis.

101. The Applicant was able to perform September traffic counts which revealed that the weekday A.M. and P.M. peak hours included traffic volumes that were lower than prior projections.

102. The September traffic counts also revealed that the Saturday traffic counts were slightly higher than the Applicant's prior estimate.

103. In addition, the Applicants Traffic Engineer evaluated other facilities and commercial areas and took the busiest store of the four (4) evaluated to assume this site will be as busy and utilized the numbers from that store to assist in the evaluation of the Property and current proposal.

104. In addition, the Applicant did not apply credits for any pass-by trips in their evaluation of traffic.

105. The traffic for the proposed use will be lower during weekday P.M. peak hours but higher on Saturday P.M. peak hours.

106. There will be a minor change in levels of service going from Level Service C to D.

107. On site circulation was improved by the reduction from three (3) to two (2) pay lanes.

108. The Property has enough stacking area to accommodate queuing and stacking for vehicles.

109. The parking along the White Horse Pike is for employees only.

110. Employees will control how cars exit the dry tunnel, thereby reducing any potential for conflicts, because when you enter the dry tunnel the owner gets out of the car.

111. The Applicant will need State and County approvals for modifications to the driveways.

112. The Applicant will comply with all ordinance requirements with respect to noise generation as is their obligation.

113. There are two (2) primary noise generators for this use, the exit to the wet tunnel and the vacuum spaces.

114. These two (2) main noise generators are located in those areas of the Property where they will have the least amount of impact on any area residences.

115. Notwithstanding the fact that there is an apartment complex located across the street, the Applicant will be able to comply with all noise requirements.

116. The Applicant is agreeable to complying with all applicable noise requirements and limitations as well as supplying a report confirming compliance with noise requirements during site plan review.

117. In Mr. Mosley's opinion, it is typical to use only one (1) day of traffic counts, which day is generally a Tuesday, Wednesday or Thursday, in evaluating proposed uses and their traffic impact.

118. In Mr. Mosley's opinion, the Applicant has enhanced the site to provide the safest possible access to the Property.

119. Concerns with traffic with respect to the Property will exist regardless of the use proposed for the Property.

120. The traffic analysis revealed that there are 31 A.M. peak inbound vehicles off of Kings Highway; 49 P.M. peak inbound vehicles off of Kings Highway; and 86 Saturday peak inbound vehicles off of Kings Highway.

121. The (B) Zone where the Property is located provides for commercial uses along with uses permitted in other zone and is the second most permissive zoning district in the Borough.

122. While the ordinance permits service stations and detailing by special permit, car washes are not expressly permitted.

123. The ordinance use of the term "special permit" is a pre MLUL term for conditional uses.

124. The Applicant proposes to reuse an existing site which has non-conforming coverage and rear yard setback conditions.

125. The ordinance also does not permit parking in front yard areas which is proposed here.

126. Mr. Taikina agrees that they are not proposing parking spaces but, rather, are proposing vacuum spaces which are bigger than standard parking spaces.

127. The vacuum spaces are part and parcel of this use and should be considered as part of the Board's consideration of the use variance request because they are not expressly permitted.

128. The Property is particularly suitable for the proposed use because the building is large enough to house the flex car wash use.

129. As noted in prior testimony, Mr. Mosley took the biggest site with the highest traffic volume and applied it here and it still works.

130. Mr. Mosley's analysis revealed that the intersection and the site can accommodate the anticipated traffic for the proposed use.

131. The busiest time for the car wash will be Saturday peak hours during which 120 cars per hour will visit at the peak hour which equates to two (2) cars per minute.

132. The nature of the prior use of the Property as a Rite-Aid with drive-thru lane lends itself to the full circulation of the site and this proposed use.

133. The site is designed to have passenger vehicles circulate around all four sides of the building.

134. The Applicant heard the concerns from the Board at the initial hearing and addressed them by proposing a solid fence along the northern property line; increasing the buffer to the rear residences; reducing the number of pay lanes from three (3) to two (2); and prohibiting left turns in from the White Horse Pike.

135. While the Property is located in the B Zoning District, it is on the edge of the (B) Zone and the (A) Zone.

136. This proposed use is not smack in the middle of a Zone where it would have a bigger impact on zoning.

137. The Applicant believes that the proposal advances three (3) separate purposes of zoning.

138. The Applicant contends that the proposal advances purpose G of the M.L.U.L. to provide sufficient space in appropriate locations for a variety of agricultural residential recreational commercial and industrial uses in open space both public and private according to their respective environmental requirements in order to meet the needs of all New Jersey citizens.

139. The Applicant additionally believes that the proposal advances purpose I of the M.L.U.L. to promote a desirable visual environment through creative development techniques and good civic design and arrangement.

140. The Applicant further believes that the proposal advances purpose M of the M.L.U.L. 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.

141. The Applicant proposes to reskin and beautify the building, which will be a great improvement to this important intersection.

142. The Applicant proposes new landscaping and six (6) foot high arborvitae screening of the vacuum spaces to lessen their impact.

143. The Applicant is reusing an existing site and building which is a much more efficient use of resources.

144. The Borough Master Plan Re-Examination Report recommends incorporating more modern uses into the permissible uses in the Zoning Districts.

145. The proposed use will have twelve (12) employees who are fully dedicated to customer service and making sure that the site is operating properly and customers are doing what they are supposed to.

146. The proposed use is compatible with the area and not going to alter the area.

147. The impact of the use is diminished by the commercial CVS retail pharmacy located across the street which will not be impacted.

148. The Applicant is proposing a modern state of the art, gold standard car wash which is eco friendly and offers the highest levels of technology.

149. The vacuums are appropriate along Kings Highway because otherwise they would be in the back adjacent to residences.

150. The Applicant contends that the proposal advances certain purposes of the Master Plan including enhancing the commercial area; substantially improving the building; and providing an opportunity for adaptive reuse of a fallow property.

151. The Applicant believes the proposal will revitalize a prime commercial corridor.

152. The Applicant contends that the site is particularly suitable for the proposed use.

WHEREAS, the meeting was opened to the public and the following members of the public, each of whom was duly sworn, appeared to comment on the application:

- Christina Brennan of 121 East Kings Highway, Audubon, NJ appeared to voice concerns with the proposed use of the Property. Ms. Brennan testified that she believed the use would be a substantial detriment to the neighborhood because it will potentially push traffic down the adjacent residential streets; that the White Horse Pike and Kings Highway intersection was already heavily travelled and congested; and that she was concerned with how vehicles will exit onto the White Horse Pike from the car wash.

- Carol Bodenschatz of 725 South White Horse Pike, Audubon, NJ appeared to voice her concerns with the proposed use. Ms. Bodenschatz testified that she did not receive notice of the application despite being located within two hundred feet of the Property; that she believed the vacuum parking spaces will disrupt peace and quiet; that noise is the most significant impact from car washes; that the installation of a solid fence will not stop or diminish the noise from the proposed use; and that she is concerned she won't be able to enjoy the outdoors after the use is

operational. Ms. Bodenschatz further testified that the increased traffic congestion lends itself to health and safety concerns due to air pollution; that the White Horse Pike and Kings Highway is already congested; and that the addition of the use would be a detriment.

WHEREAS, there being no further 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 to approve the application as presented contingent upon the Applicant's compliance with the testimony and plans presented to the Board and the Applicant returning to the Board for site plan approval along with approval of any and all necessary variances, which motion was duly seconded by James Rossell, Jr., the Joint Land Use Board of the Borough of Audubon approved the application by a vote of five in favor and two opposed (5 – 2) based upon the sworn testimony of the Applicant and the Applicant's representatives, the Applicant's submission materials and exhibits and the conditions as set forth above and hereafter.

The voting on the motion to approve the application was as follows:

Mayor Jakubowski:	Recused
Commissioner Alemi:	Recused
David Thompson:	No
Mark Owens:	No
Dan Gaspari:	Yes
James Rossell, Jr.:	Yes
Kevin Moran:	Yes
Michael Sullivan:	Yes
Jodi Clark:	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 as 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 prospective tenant of the Property; the owners of the Property have consented to the Applicant making the present application; and the Applicant, thus, 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 Property to be renovated and used as a full service car wash with nineteen (19) vacuum parking stalls as depicted on the plan entitled "Use Variance Plan" prepared by BL Companies dated September 10, 2025 and labeled as Sheet C1.00, which plan consists of one (1) sheet and was entered into evidence as Exhibit A-9, except as modified by the testimony presented to the Board.
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 there are benefits in having the Property occupied by a new use; and that the granting of such use variance relief 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 further demonstrated that the proposed use is not inconsistent with the Borough Master Plan.

6. The Joint Land Use Board of the Borough of Audubon grants approval of the requested use variance described herein permitting the use of the Property as a full service car wash with nineteen (19) vacuum parking stalls, as more specifically described in the plans, exhibits and testimony as detailed herein.

NOW THEREFORE BE IT RESOLVED that the Application of Flagship New Jersey Opco, LLC for use variance approval, as aforesaid and as described herein is hereby approved as noted above.

BE IT FURTHER RESOLVED that the approval is expressly conditioned and contingent upon (a) the Applicant obtaining site plan approval and approval of any and all necessary bulk variance from the Joint Land Use Board; (b) the Applicant supplying a report during site plan review confirming the ability to comply with noise requirements and limitations; (c) the Applicant obtaining any and all necessary permits and outside agency approvals; and (d) the Applicant complying with any and all comments and conditions identified within the reports dated June 5, 2025 and October 2, 2025 prepared by Steven M. Bach, P.E., P.P., C.M.E. except as modified by the plans, exhibits and/or testimony provided to the Board.

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

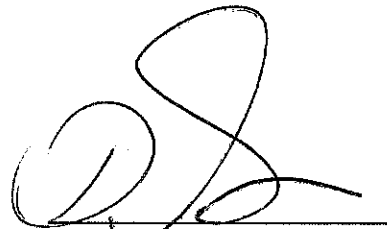
Dated: November 12, 2025

David Thompson, Chairman

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.

Dated: November 12, 2025



Danielle Ingves, Secretary