

**IN THE MATTER OF THE APPLICATION OF
JF PROPERTY MANAGEMENT LLC**

**FOR A USE VARIANCE
AND BULK VARIANCES
FOR THE PROPERTY LOCATED AT**

**305 EAST ATLANTIC AVENUE
BLOCK 58 – LOTS 4.01 & 4.02**

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

RESOLUTION NUMBER 2025-08

WHEREAS, JF Property Management LLC, whose address is 257 Washington Terrace, Audubon, New Jersey 08106, hereinafter referred to as the “Applicant” is the owner of the property located at 305 East Atlantic Avenue, Audubon, New Jersey, which property is designated on the Tax Map of the Borough of Audubon as Block 58, Lots 4.01 & 4.02, hereinafter referred to as the “Property”,

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

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

WHEREAS, the Property consists of two (2) interior tax lots, Lot 4.01, which has fifty two feet (52’) of frontage on East Atlantic Avenue and dimensions of fifty two feet by one hundred and fifty feet (52’ x 150’) upon which is situate a two-story, brick building with a footprint area of approximately 5,600 square feet, which was formerly used as the Masonic

Lodge, and the contiguous Lot 4.02, a vacant lot, which has thirty-six feet (36') of frontage on Pine Street and dimensions of thirty-six feet by one hundred and twelve feet (36' x 112'); and

WHEREAS, the Applicant proposes to renovate the existing building on Lot 4.01 to contain eleven (11) residential apartments and a roof deck along with the installation of associated site improvements, and to develop Lot 4.02 as a parking lot containing three (3) parking spaces to service the proposed use along with a trash enclosure; and

WHEREAS, 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, and the Borough Land Development Ordinance does not expressly permit roof decks; and

WHEREAS, the Applicant's proposal to have ground floor apartments at the Property along with roof decks, therefore, requires use variance relief in accordance with N.J.S.A. 40:55D-70(d); and

WHEREAS, pursuant to Ordinance § 113-385(3) for lots having a depth of not more than one hundred and fifty feet (150'), the area, width, yard, and coverage regulations of A Business District set forth in Ordinance § 113-383(3) shall apply, and said A Business District regulations provide that (1) the minimum lot area for multifamily dwellings shall be 30,000 square feet where 11,832 square feet is proposed; (2) the minimum lot width is 200 feet where the Applicant proposes lot widths of 52 feet and 36 feet; (3) the minimum aggregate side yard setback is 30 feet where the Applicant proposes an aggregate side yard setback of 9.4 feet; (4) the minimum rear yard setback is 45 feet where the Applicant proposes a rear yard setback of 39.6 feet; (5) the maximum building

coverage is 70% where the Applicant proposes building coverage of 48.5%; (6) the maximum lot coverage is 70% where the Applicant proposes lot coverage of 90.5%; (7) the maximum building height is 35 feet where the Applicant proposes 36.4 feet; (8) the minimum setback to a parking area is 25 feet where the Applicant proposes 1.8 feet; and, (9) pursuant to Ordinance § 113-386(3)(c)(1) the Applicant must provide a minimum of 19 off-street parking spaces where the Applicant proposes 3 off-street parking spaces, and (10) pursuant to Ordinance §113-383(4) a landscaped buffer of eight feet in width and height must be installed where the Applicant proposes no buffer and, as such, the Applicant also requires and has requested bulk variance relief permitting the above proposed conditions and deviations from Ordinance standards 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 two (2) separate reports dated October 2, 2025 and November 7, 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 a Public Hearing on Wednesday, November 12, 2025 with the following members being present: Mayor Robert Jakubowski; Commissioner David Alemi; Chairman Dave Thompson; Vice-Chair Mark Owens; Paul Hartstein; Jim Kindya; Michael Sullivan; and Jodi Clark, along with Steven M. Bach, PE, RA, PP, CME, Engineer for the Joint Land Use Board; Danielle Ingves, Joint Land Use Board Secretary, and Matthew P. Madden, Esquire, Solicitor 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 application and their respective positions as Class 1 and Class 3 Members of the Joint Land Use Board; and

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

- a. Cover letter from Robert A. Gleaner, Esquire dated September 5, 2025.
- b. Borough of Audubon Land Development Application filed July 10, 2025.
- c. List of Waivers & Variances Requested consisting of three (3) pages dated June 23, 2025.
- d. Audubon Borough Land Development Checklist.
- e. Traffic Analysis Letter prepared by Nathan B. Mosley, P.E., C.M.E. dated August 12, 2025
- f. Stormwater Narrative Report prepared by Samuel A. Agresta, P.E., P.P., C.M.E., of Agresta Engineering & Planning dated June 30, 2025.
- g. Aerial photograph of Property and surrounding environs.
- h. Property Deed dated February 21, 2024.
- i. Plans prepared by Samuel A. Agresta, P.E., P.P., C.M.E., of Agresta Engineering & Planning dated June 30, 2025 entitled Masonic Hall Apartments Preliminary & Final Major Site Plan consisting of the following seven (7) sheets:
 - 1: Cover Sheet
 - 2: Existing Conditions & Demolition
 - 3: Site, Grading & Utility Plan
 - 4: Landscaping & Lighting Plan
 - 5: Soil Erosion & Sediment Control Plan
 - 6: Construction Details & Notes
 - 7: Construction Details & Notes
- j. Proofs of service and publication of public notice.

WHEREAS, during the course of the public hearing on the application, the Applicant and Applicant's representatives presented exhibits which were duly marked and entered into evidence as follows:

Exhibit A-1: Aerial photograph of existing conditions

Exhibit A-2: Color Site Plan Rendering

Exhibit A-3: Existing Floor Plan

Exhibit A-4: Existing Building Elevations

Exhibit A-5: Proposed 1st Floor Plan

Exhibit A-6: Proposed 2nd Floor Plan

Exhibit A-7: Proposed Building Elevations

WHEREAS, the Board duly considered the application, testimony and exhibits in detail, and

WHEREAS, appearing at the public meeting to testify on behalf of the application were Frank Zimmer, co-managing member of the Applicant; Samuel A. Agresta, P.E., P.P., C.M.E., project engineer/planner; Nick Kuzorsky, R.A., project architect; and Natham B. Mosley, P.E., C.M.E., traffic engineer who were each duly sworn along with the Board Engineer, and responded to the questions from their counsel and the members of the Joint Land Use Board and Board professionals, and

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

Frank Zimmer, representative of the Property owner, testified as follows:

1. Mr. Zimmer and his partner both reside in Audubon and are in the business of commercial and residential construction.
2. The Applicant purchased the Property in February of 2024.
3. Mr. Zimmer has college-aged children and has come to realize that it is difficult for children like his to find to find housing.
4. Of paramount importance to Mr. Zimmer is finding quality tenants for his residential developments and, because he and his partner are both residents of Audubon residing in close proximity to the Property, locating quality tenants is a primary concern of theirs.
5. The roof decks are proposed to provide all residents of the building with open space and air because the neighborhood is largely concrete and the Applicant does not anticipate residents grilling on the roof decks or having large gatherings on the roof decks.
6. The Applicant is able to control how the roof decks are utilized with lease language restricting certain activities.

Samuel Agresta, P.E., P.P., testified as follows:

7. Mr. Agresta is a professional engineer and professional planner, licensed in the State of New Jersey who has been previously qualified by this Board as an expert in those fields, and his licenses are in good standing.
8. The Masonic Lodge building is approximately 100 years old and has been generally abandoned and vacant for some time.
9. The Property is located in the Business (B) Zoning District.

10. The Applicant is proposing a multi-family use for the Property.
11. While apartments are permitted in the B Zone, they are not permitted on the ground floor, which is the reason the Applicant is seeking use variance relief.
12. In addition, the Applicant is seeking a D variance for the proposed roof decks.
13. Mr. Agresta believes the proposed use satisfies the positive criteria relevant to the use variance sought because the proposal advances several purposes of zoning as set forth in the Municipal Land Use Law ("MLUL").
14. Among the purposes advanced is purpose A of the MLUL, which is to encourage municipal action to guide the appropriate use or development of all lands in this State, in a manner which will promote public health, safety, morals, and general welfare.
15. The proposed use advances purpose A because the rehabilitation of the building will revitalize the neighborhood, the façade will be improved, the building will be brought back to life, and the building will house an important need, residential housing.
16. The proposal also 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.
17. The proposal advances purpose D because the use can be installed without causing conflict to neighboring municipalities and would blend in with the neighborhood and adjacent properties.
18. 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.

19. The proposal advances purpose G because there is a housing shortage and the proposed use will rehabilitate a long-vacant commercial building to provide for needed housing.
20. 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 location of such facilities and routes which result in congestion or blight.
21. The proposal advances purpose H because the Property is uniquely situated to take advantage of public transportation.
22. The proposal advances purpose I of the MLUL which is to promote a desirable visual environment through creative development techniques and good civic design and arrangement.
23. The proposal advances purpose I because it will result in a rehabilitated building and beautification of the façade and neighborhood in addition to the inclusion of landscaping to beautify the Property.
24. 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.
25. The proposal advances purpose M because it includes the adaptive reuse of a long-vacant building.

26. The proposal satisfies the negative criteria due to the fact that apartments are a permitted use in the zone, just not on the ground floor, and, as such, it will not be a substantial detriment to the public good or a substantial impairment of the zone plan or zoning ordinance.
27. The proposal advances certain goals of the Borough Master Plan and, as such, is not a detriment to the zone plan or zoning ordinance.
28. Mr. Agresta reviewed the 2020 Master Plan Reexamination Report which includes “added goals” of zoning which he contends are advanced by the present proposal.
29. The Reexamination Report includes as an added goal of providing opportunities for mixed-use redevelopment and adaptive reuse of buildings.
30. The proposal represents the adaptive reuse of the building and, therefore, the proposal advances a purpose of Borough zoning.
31. In addition, the Reexamination Report details new land use issues which Mr. Agresta contends are addressed by the proposal.
32. Among the new land use issues are the commercial vacancy in the Borough and the promotion of rehabilitation and redevelopment opportunities.
33. The existing building has a footprint of 5,600 square feet.
34. The Applicant has revised its proposal to move the trash enclosure to the inside of the building which allowed them to include an additional parking space and now propose four (4) total off-street parking spaces for the proposed use.

35. The relocation of the trash enclosure results in the loss of one (1) of the ground floor units.
36. The Applicant now proposes nine (9) total apartment units which will consist of one (1) three-bedroom apartment unit and eight (8) one-bedroom units.
37. The Applicant is proposing four (4) total off-street parking spaces where the parking requirement is fifteen (15) parking spaces.
38. The parking requirement per the ordinance would be 17 parking spaces but, with the inclusion of two electronic vehicle parking spaces, the Applicant receives a credit of two (2) spaces thereby reducing the parking requirement to fifteen (15).
39. The parking calculation results from there being 2.4 parking spaces required for the three-bedroom unit and 1.8 parking spaces being required for each of the eight (8) one-bedroom apartments resulting in a net demand of 16.8 spaces which is rounded up to 17 and then the two (2) space credit is applied resulting in a demand of fifteen (15) spaces.
40. The Applicant proposes a walkway along the north side of the building from which the ground floor units will access the ground floor apartments and which will also act to interconnect the parking area to Atlantic Avenue.
41. The Applicant will be providing bike storage racks at the Property.
42. The Applicant is proposing landscaping which will include shrubs along the walkway and a mixture of trees and shrubs around the building.
43. The Applicant is not required to address stormwater mitigation because they are under the area of disturbance which triggers that requirement.

44. The Applicant proposes sconces along the walkway to illuminate that area.
45. The lot coverage has increased due to the inclusion of the parking area in an effort to get cars parked on-site.
46. The setback to the parking area is 1.8 feet where the minimum required setback to parking area is 25 feet.
47. The ordinance requires a minimum 8-foot buffer and the Applicant is proposing no buffer.
48. The Applicant is constrained with regard to the design of the site by the dimensions of the Property and the structure lawfully existing on the Property.
49. Many of the conditions that trigger the need for bulk variance relief are existing and not being altered by the present proposal.
50. The height variance is triggered by the proposed elevator which exceeds the maximum permitted height.
51. While the building is well under the height permitted the elevator shaft is not compliant with the maximum height allowance.
52. The three-bedroom unit will be a two-story unit which will be accessed via the second floor, and the Applicant proposes to construct an addition at the rear of the building to accommodate this unit.
53. The roof deck will not occupy the full breadth of the roof but instead will be broken down into a portion at the front of the building, which can be accessed by all residents of

the building, and a rear roof deck which will be dedicated exclusively to the use by the occupants of the three-bedroom unit, which the Applicant characterized as a luxury unit.

54. There is no buffer provided adjacent to the next-door residence which fronts on Pine Street due to the narrowness of the Property and the parking area proposed for the portion of the Property.

55. The Applicant has no objection to complying with the technical review comments contained within the Review Comments in the November 7, 2025 letter drafted by the Board Engineer, which comments are found on pages 8 through 13 of said letter.

Nicholas Kuzorsky, R.A. testified as follows:

56. Mr. Kuzorsky is a registered architect, licensed in and in good standing with the State of New Jersey and has appeared and presented testimony before numerous land use boards.

57. The existing floor plans presented as Exhibit A-3 show how the interior of the Property is laid out presently and Exhibit A-4 shows the existing elevations of the building.

58. There is a small basement at the Property in the front third of the building, but no units or occupancy are proposed for the basement.

59. While the Applicant has committed to removing the exterior trash enclosure and creating an interior trash room at the rear of the building, the proposed floor plans presented as Exhibit A-5 do not yet reflect that revision.

60. Each one-bedroom unit is between 700 and 975 square feet in size, each will contain one bathroom, and each will include its own laundry facilities.

61. All of the second-floor units will be one-bedroom apartments with the exception of the rear unit which will be a two-story, three-bedroom unit occupying the second and third floors of the building.
62. A small addition will be constructed at the rear of the building to accommodate the two-story, three-bedroom unit.
63. The existing height of the building is thirty-three feet seven and one-half inches (33'7.5").
64. From an architectural standpoint, each of the units could be affordable housing.
65. There will be four (4) units on the first floor and five (5) units on the second floor.

Nathan B. Mosley, P.E., C.M.E. testified as follows:

66. Mr. Mosley is a traffic engineer, and he focused on parking and trip generation in the report he submitted to the Board.
67. In support of the parking variance sought, Mr. Mosley evaluated existing conditions at the Property and surrounding area which demonstrated that all nearby roadways permit on-street parking.
68. There is public perpendicular parking available on the other side of Atlantic Avenue adjacent to the railroad.
69. In an effort to quantify the supply of public parking in the area, Mr. Mosley testified that there are 12 parking spaces along the northern side of Atlantic Avenue; 28 perpendicular parking spaces on the other side of Atlantic Avenue; 19 parking spaces along Chestnut Street; and 13 parking spaces along Pine Street.

70. The key aspect for the proposed development is the availability of overnight parking.

71. Mr. Mosley believes that they are proposing a complimentary use as far as parking is concerned because the area businesses will be able to utilize public parking during the day while the Applicant will be able to use public parking to accommodate the shortfall of on-site parking during the nights.

72. The existing on-street parking is more than sufficient to accommodate the proposed use.

73. While the parking requirement is 15 spaces, the ITE estimates that the peak parking demand for the proposed use would be 1.3 spaces per unit or a demand of 12 parking spaces.

74. Considering that there are 4 off-street parking spaces proposed for the Property, in light of the ITE standard, the proposed use would be short by only 8 parking spaces.

75. Were the proposed use to be a commercial use, it is likely that the parking demand for the Property would be even higher.

76. Mr. Mosley testified that there are 72 public parking spaces in the vicinity of the Property, 12 of which have time limitations and 60 of which do not.

77. In response to an inquiry regarding whether an analysis was performed regarding the availability of such parking, Mr. Mosley testified that there was ample parking available when he visited the Property during the day.

78. Mr. Mosley acknowledged that he had not conducted a site visit during evening hours to see if there was parking available.

79. Mr. Mosley has no data regarding the parking demand relative to the 72 public parking spaces other than his field observations conducted on one afternoon.

80. The Applicant is agreeable to complying with the obligation to provide 2 affordable housing units as well as complying with unit distribution requirements.

81. The ITE is continually updating data although it is unclear whether ITE data takes into account the recent trend of people working from home, although some of the data was collected post-pandemic.

82. The 6th Edition ITE manual on which Mr. Mosley relies was published in October 2023 and includes data sets from the 1990's through the 2020's.

83. Since the Applicant is proposing 4 on-site parking spaces and the ITE estimates a parking demand of 12 spaces, there would be only an 8-space shortfall while 72 public parking spaces are available in the area and, even if 90% of the public parking is occupied, there would still be enough spaces available to make up the shortfall.

84. The proposed use is not much of a traffic generator.

WHEREAS, in response to the testimony provided by the Applicant and Applicant's representatives, Steven M. Bach, PE, RA, PP, CME, Engineer for the Joint Land Use Board, provided the following testimony:

1. While certain nonconforming conditions at the Property are preexisting, the conditions are being exacerbated by the proposal for multi-family dwellings and the consolidation of the lots.

2. With regard to the asserted advancement of the purpose of not conflicting with adjacent municipalities, that is not an issue implicated here because the Property is not located adjacent to any other municipality.
3. With regard to the asserted advancement of the purpose of promoting the free flow of traffic, the Property is not immediately adjacent to transportation routes.
4. While the Property is an existing site, the intensity of the variance relief sought is caused by the Applicant's proposal.
5. The zone plan does not permit residential use on the first floor in the B Zone.
6. The Board should weigh the import and impact on the use variance request of the Applicant providing only 4 parking spaces for 9 residential units.
7. Even using ITE standards as suggested by Mr. Mosley, there will still be a shortfall of 8 parking spaces.
8. The Board should consider whether the lack of off-street parking constitutes a substantial detriment.
9. Over a two-week period, Mr. Bach has personally observed that there is significant use of the public parking in the area.
10. While the site is constrained by existing conditions, it could contain a permitted use.
11. While the ordinance requires an eight-foot-wide landscaped buffer to adjacent residential zones, the Applicant is proposing a six-foot high fence in lieu of a landscaped buffer area.
12. The height variance is triggered by the elevator shaft, and it appears the elevator is only necessitated by the roof decks and three-bedroom, two-story luxury unit.

13. Roof decks are not expressly permitted and, if they were eliminated, the Applicant could likely comply with the height requirements in the ordinance.
14. While the Master Plan Reexamination promotes mixed uses, the intent of that language was to promote mixed commercial and residential uses, not to promote a residential use on the ground floor in the Business Zone.
15. While the Master Plan Reexamination encourages rehabilitation and redevelopment, the Property is not in a redevelopment of rehabilitation zone.
16. While the Applicant characterized the Property as vacant and abandoned, the Property has never been abandoned to the best of his knowledge.
17. The proposal increases the intensity of the nonconformities of the Property.
18. The two-story luxury unit proposed for the rear of the building can be accessed via the second floor and the roof decks could be accessed via other means aside from an elevator and, therefore, the elevator which triggers the need for a height variance is not a necessity but, rather, the Applicant's preference.

WHEREAS, the meeting was opened to the public and the following members of the public, each of whom was duly sworn, appeared to provide comments on the application and/or to question the Applicant:

- Greg Barbye of 315 East Atlantic Avenue, Unit B, Audubon, NJ appeared to voice his concerns with the application, specifically with regard to parking. Mr. Barbye testified that he owns Club 317, LLC which hosts meetings at 317 East Atlantic Avenue, a few doors down from the Property. Mr. Barbye testified that he had listened intently to the proceedings and that,

notwithstanding the testimony provided, the reality of the parking situation is that there is little to no parking available for the businesses in the area. Mr. Barbye testified that at 2:00 pm on the day of the hearing, there was not a single available parking space in the area and that the 28 perpendicular parking spaces located across the street contained 29 vehicles. In addition, Mr. Barbye testified that some residents have parked disabled vehicles in the perpendicular parking spaces which have remained there for months and that complaints raised with the Borough regarding that issue had not been addressed.

- Roseanne Saltzsieder of 14 West Pine Street, Audubon, NJ appeared to voice her objections to the application. Ms. Saltzsieder testified that the home she owns on West Pine Street does not have a driveway and that parking is a constant struggle for her. In addition, Ms. Saltzsieder testified that during town parades and snow events, on street parking is not permitted, which presents issues for her and would certainly present issues for the proposed use. Ms. Saltzsieder further testified that she was concerned with the fact that nine new units will affect the already overburdened sanitary sewer system which has, on occasion, caused sewage to back-up into the roadways.

- Valerie Mayo of 17 West Pine Street, Audubon, NJ appeared to voice her objections to the proposal. Ms. Mayo testified that parking was already a problem in the area and that she was also concerned with sanitary sewer issues. Ms. Mayo further testified that she was concerned how site lighting would impact her; how trash pick-up will occur and whether that would affect traffic as a result of trash trucks backing into the roadway; and whether stormwater runoff would become an issue.

- Alyssa Wilson of 17 West Pine Street, Audubon, NJ appeared to voice her objections to the proposal. Ms. Wilson testified that she had two (2) primary concerns, both of which are rooted in her concern for the health and safety of the community. The concerns raised by Ms. Wilson were what she described as questionable activity on the part of the Applicant and the potential health and safety for her family as a result of two (2) electronic vehicle charging stations being proposed for the area immediately adjacent to her property. Ms. Wilson testified that, since August, there has been ongoing construction activity at the Property which takes place at all hours and outside the allowable hours for construction in the Borough and, as a result, she has called the police to complain. Ms. Wilson presented 4 exhibits consisting of photographs of vehicles parked in the grass area adjacent to her home. Ms. Wilson characterized the ongoing activities at the Property as a blatant lack of respect, testified that she did not believe that the Applicant will remain committed to quality control, and that the proposed plan offered no benefits to the community.

- Ann Lyons of 309 East Atlantic Avenue, Audubon, New Jersey appeared to voice her objections to the proposal. Ms. Lyons testified that her residence is immediately adjacent to and connected to the Property and that she was traumatized by recent demolition activities where her building shook. Ms. Lyons testified there is no parking on Chestnut Street due to the nearby Wawa and existing apartments, that the nearby hardware store and 24-hour laundromat utilized the nearby public parking, that the public parking adjacent to the railroad is seldom available, and that the police department does not presently enforce parking regulations. Ms. Lyons further testified regarding her concerns with the roof decks noting that windows from her second floor

look directly onto the roof of the Property and inquired whether the roof decks would allow someone to look directly into her windows. Ms. Lyons further testified that there have been 3 car accidents within the last few months due to the irregular design of the Atlantic Avenue and Chestnut Street intersection.

- Lisa Marie Versaci of 213 Ogden Station Road, West Deptford, New Jersey appeared to voice her objections to the proposal. Ms. Versaci testified that she has been on the block for 37 years and was also greatly disturbed by recent demolition or construction activity in the Property where the Applicant "rocked" the building so badly that she thought a plane had crashed noting that chimneys crumbled and pictures fell off of her wall. Ms. Versaci testified that there is not enough parking in the area now and that any use of public parking by the residents of the Property would lead to bigger parking issues. Ms. Versaci further testified that she had been advised that the Applicant was doing 4 apartments and was surprised to learn that 9 apartment units were proposed.

- Siobahn Redding of 18 West Pine Street, Audubon, New Jersey appeared to voice her objections to the proposal. Ms. Redding testified that she was a local elementary school teacher and noted that West Pine Street is a direct route for school children to cross the White Horse Pike and, therefore, was a concerned for the safety of school children. Ms. Redding testified regarding an experience she had with the Applicant which made her feel unsafe wherein she had called the police because a box van had parked on a Sunday evening in the off-street area on the Property adjacent to her residence and she left a letter on the truck. Thereafter, someone named Jeff

knocked on her door to ask if she had left the letter and advised her that he did not have to prove anything to her as far as his entitlement to park in that area.

- Gloria Jensen of 543 West Kings Highway, Audubon, New Jersey appeared to voice her objections to the proposal. Ms. Jensen testified that she owns the property located at 323 East Atlantic Avenue which is located a few doors down from the Property and that she had previously made a similar application to the Board seeking a residential use on the ground floor and was denied. Ms. Jensen testified that she operates "Luke's Place" out of 323 East Atlantic Avenue, which is an organization that provides resources for children with special needs. Ms. Jensen testified that she was not necessarily opposed to apartment units in the area but believed that the ground floor should remain restricted to commercial uses.

WHEREAS, in response to the public commentary, the Applicant provided additional testimony as follows:

1. The Applicant will have to apply for permits for a sewer connection and, therefore, any concerns with the apartment units overwhelming the capacity of the sanitary sewers would be addressed during that permitting process.
2. With regard to stormwater concerns, the Applicant provided stormwater calculations to the Board Engineer and has ensured that stormwater runoff will be directed to Pine Street.
3. With regard to trash facilities, the Applicant has moved the trash facilities to the interior of the building which will allow trash trucks to have full access to the parking lot and the dumpsters therein will be roll out dumpsters which will be rolled out and picked up once

or twice per week, depending on need, although the Applicant was unsure about the exact process that will be employed.

4. With regard to complaints of illegal activity, the Applicant testified that they had not been charged by the police with anything and that no illegal activities were occurring at the Property.

WHEREAS, in light of the new testimony provided to the Board, the public portion of the hearing was reopened with the following members of the public reappearing to comment:

- Ann Lyons of 309 East Atlantic Avenue, Audubon, New Jersey appeared to dispute the Applicant's assertion that no illegal activity was going on and testified that the Fire Marshall had come out to the Property and shut down ongoing work at some point.
- Valerie Mayo of 17 West Pine Street, Audubon, NJ and Lisa Marie Versaci of 213 Ogden Station Road, West Deptford, NJ appeared to echo the sentiments of Ms. Lyons.

WHEREAS, there being no further members of the public who wished to comment on the application or question the Applicant, the public portion of the meeting was closed.

WHEREAS, the application was reviewed and discussed at length at the meeting, and

WHEREAS, upon Motion duly made by James Kindya to deny the application, which motion was duly seconded by Paul Hartstein, the Joint Land Use Board of the Borough of Audubon denied the application by a vote of four in favor of denial and two opposed (4-2) based upon the standards set forth in the Municipal Land Use Law as detailed in the findings of fact and conclusion of law, the sworn testimony of the Applicant, the Applicant's submission materials and exhibits, and the sworn testimony of the members of the public.

The voting on the application was as follows:

Mayor Jakubowski:	Recused/Abstained
Commissioner Alemi:	Recused/Abstained
David Thompson:	Yes
Mark Owens:	Yes
Paul Hartstein:	Yes
James Kindya:	Yes
Michael Sullivan:	No
Jodi Clark:	No

WHEREAS, 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 and bulk variances, 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 ground floor of the Property to be used for residential apartment units and allowing roof decks to be installed.
4. The Applicant seeks bulk variance relief pursuant to N.J.S.A. 40:55D-70(c) permitting (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.

5. The Applicant has failed to demonstrate 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 and bulk variances requested herein. Specifically, the Applicant has not demonstrated that the Property is particularly suitable for the proposed use; has not demonstrated that the requested variance could be granted without substantial detriment to the public good and has not demonstrated that that the variance could be granted without substantially impairing the intent and purpose of the zone plan and zoning ordinance.

6. The proposal to have 3 off-street parking spaces where 19 are required will operate to overwhelm the public parking in the area, which already suffers from a lack of parking for the nearby commercial uses and, thereby, would be a substantial detriment to the public good and the Applicant has failed to satisfy the negative criteria as a result.

7. The failure to have a commercial use on the ground floor is in direct contravention of the Ordinance which requires commercial uses on the ground floor and, therefore, operates as a substantial detriment to the zone plan and zoning ordinance and the Applicant has failed to satisfy the negative criteria as a result.

8. In light of the excessive number of bulk variances sought, the Property is not particularly suitable for the proposed use and, thereby, the Applicant has failed to satisfy the positive criteria.

9. The Joint Land Use Board of the Borough of Audubon denies approval of the requested use variances and bulk variances based on the foregoing.

NOW THEREFORE BE IT RESOLVED that the Application of JF Property Management LLC for use variance relief and bulk variance relief as more specifically described herein is hereby DENIED as noted above.

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 November 12, 2025.

The effective date of this Resolution shall be December 10, 2025.

AUDUBON JOINT LAND USE BOARD

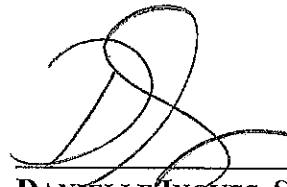
Dated: December 10, 2025

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 March 8, 2023, 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 December 10, 2025.

Dated: December 10, 2025



DANIELLE INGVES, SECRETARY