

**IN THE MATTER OF THE APPLICATION OF  
TRAIN STATION DENTAL, LLC**

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

**40 EAST ATLANTIC AVENUE  
BOROUGH OF AUDUBON, NJ  
BLOCK 156 – LOTS 1 & 2**

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

**RESOLUTION NUMBER 2026-01**

**WHEREAS**, Train Station Dental, LLC, whose address is 40 East Atlantic Avenue, Audubon, New Jersey 08106, hereinafter referred to as the “Applicant”, is the owner of the property located at 40 East Atlantic Avenue, Audubon, New Jersey, which property is designated on the Tax Map of the Borough of Audubon as Block 156, Lots 1 and 2, hereinafter referred to as the “Property”; and

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

**WHEREAS**, the Property is located in the Residential (R) Zoning District; and

**WHEREAS**, the Property consists of an irregularly shaped corner lot located at the northwest corner of East Atlantic Avenue and Merchant Street and which is bounded on its southern border by the Conrail/Atlantic City Railroad, which has an overall area of 16,871 square feet and is improved with a one and one-half story structure, formerly a train station, but

used as a professional dental office along with parking facilities; a detached frame garage; concrete walkways, along with associated site improvements; and

**WHEREAS**, the Applicant proposes to construct a one and one-half story, 916 square foot, addition to the east side of the existing structure, the first floor of which, consisting of 710 square feet, would be used for additional patient treatment and hygienist rooms and the second floor of which, consisting of 206 square feet, would be used as additional office space; and

**WHEREAS**, the Borough of Audubon Land Development Ordinance § 113-382(1) enumerates the permitted uses in the R Zoning District and does not expressly permit the use of the Property as a dental office and the proposed expansion of the structure and use, therefore, requires use variance relief in accordance with N.,J.S.A. 40:55D-70(d); and

**WHEREAS**, the Applicant's proposal further results in the expansion or alteration of certain nonconforming conditions which will require bulk variance relief in accordance with N.J.S.A. 40:55D-70(c), *to wit*, (a) the minimum required front yard setback is twenty feet (20'), the existing front yard setback to East Atlantic Avenue is 15.93 feet, and the Applicant proposes a front yard setback to East Atlantic Avenue of 12.79 feet; (b) the minimum required rear yard setback is twenty-five feet (25'), the existing rear yard setback is 3.8 feet, and the Applicant proposes a rear yard setback to the proposed addition of 4.17 feet; and (c) the maximum lot coverage is 40%, the existing lot coverage is 55.1% and the proposed lot coverage is 59.2%; 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 January 8, 2026, 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, February 11, 2026 with the following members being present: Mayor Robert Jakubowski; Commissioner David Alemi; Chairman David Thompson; Vice-Chairman, Mark Owens; Steve Connelly; Dan Gaspari; James Kindya; James Rossell, Jr.; Michael Sullivan; and Jodi Clark along with Steven M. Bach, PE, RA, PP, CME, Engineer for the Joint Land Use Board; David E. Madden, Esquire, Solicitor for the Joint Land Use Board; and Stephanie Jenetta, 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 David Thompson recused himself from the hearing and vote on the application due to a personal conflict of interest; and

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

- a. Cover Letter prepared by Damien O. Del Duca, Esquire dated December 12, 2025, consisting of two (2) pages.
- b. Borough of Audubon Land Development Application dated December 12, 2025.
- c. Summary of Application consisting of one (1) page.
- d. List of Submission Waiver Requests.
- e. Audubon Borough Land Development Checklist.
- f. Escrow Agreement.

- g. Evidence of tax payments.
- h. Nine (9) color photographs of existing conditions together with a portion of a survey showing the locations from which each photograph was taken.
- i. Historic image and drawing of the original Audubon Train Station.
- j. Property and Topographic Survey prepared by Michael R. Vargo, PLS of Vargo Associates dated August 20, 2025.
- k. Architectural Plans prepared by Michael M. Westfield consisting of the following three (3) sheets each dated December 5, 2025:
  - SP1: Site Plan
  - A1: Proposed Preliminary Plans & Elevations
  - SK1: Existing Site Photographs
- l. Revised Site Plan prepared by Michael M. Westfield dated January 29, 2026.
- m. Correspondence from Michael M. Westfield, R.A. dated January 29, 2026 consisting of three (3) pages.
- n. Proofs of Service and Publication of Public Notice.
- o. Notice of Hearing to Property Owners.

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

**WHEREAS**, appearing at the public meeting to testify on behalf of the application were John Savon, DDS, principal of Train Station Dental, LLC, and Michael Westfield, R.A., project architect, who were each duly sworn, along with the Board Engineer, and 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 public hearing on the application, the Applicant's counsel presented Exhibits which were duly marked and entered into evidence as follows:

Exhibit A-1: Site Plan prepared by Michael M. Westfield dated January 29, 2026

Exhibit A-2: Proposed Preliminary Plans & Elevations

Exhibit A-3: Existing Site Photographs

Exhibit A-4: Nine (9) color photographs of existing conditions together with a portion of a survey showing the locations from which each photograph was taken.

Exhibit A-5: Property and Topographic Survey prepared by Michael R. Vargo, PLS of Vargo Associates dated August 20, 2025

**WHEREAS**, the Applicant's counsel, Luke Grabiak, Esquire, summarized the application and relief sought, which summary was confirmed by the testimony of Dr. Savon and Mr. Westfield, and which was as follows:

1. The Property is used as dental office known as Train Station Dental.
2. The building has been used as a dental office since 1983, prior to that the building was vacant for some time after serving as the train station for the adjacent railway.
3. In 2004, the Board granted site plan approval permitting an addition to the side of the building opposite where the present addition is proposed.
4. The Property has never been used as a residence, notwithstanding the fact that it is located in the Residential (R) Zoning District.
5. The Applicant proposes an addition to the eastern side of the existing building which would consist of 710 square feet on the first floor, which will be used as a new patient treatment room, and 206 square feet on the upper floor, which would be used as an office.
6. The Applicant's business has been successful and continues to grow, and the additional space is needed to accommodate their patients.

7. The Applicant is seeking a variance pursuant to N.J.S.A. 40:55D-70(D)(2) permitting the expansion of a nonconforming use along with bulk variance relief pursuant to N.J.S.A. 40:55D-70(C) for front yard setback; rear yard setback; and lot coverage.
8. The rear yard setback opposite East Atlantic Avenue is presently nonconforming and the Applicant is not proposing that the proposed addition be any closer to the lot line than the existing building.
9. The Applicant is seeking an approximately 4% increase in lot coverage.
10. The Property is particularly suited for a dental office and the expanded dental office in light of its historic use for such purpose and the fact that the use has operated for some time without issues.
11. The Applicant has no objection to complying with the terms and conditions set forth in the review letter prepared by Steven M. Bach, P.E., P.P., C.M.E., dated January 8, 2026.

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

1. Dr. Savon is the owner of Train Station Dental, LLC.
2. Dr. Savon started working at Train Station Dental in 1995.
3. Train Station Dental is open six (6) days per week, Monday through Saturday, with the hours of operation being Monday from 8:00 am to 5:00 pm; Tuesday through Thursday from 8:00 am to 7:00 pm; and Fridays and Saturdays from 8:00 am to 12:00 pm.
4. The hours of operation noted above will remain in place after the addition is constructed.

5. Currently, the dental practice is able to see five (5) patients at one time and, if the addition is approved, they will be able to increase that number by one to two (1—2) patients.
6. There are plenty of parking spaces to accommodate the additional patients.
7. Train Station Dental continues to grow and patients currently have to schedule appointments eight to nine months in advance of an appointment which is not good for patients.
8. The additional treatment room will allow the Applicant to reduce the waiting period for patient appointments, which is crucial to proper care.
9. The current sign for the business, which is located on Merchant Street, will remain the same but the sign will be moved closer to Merchant Street.
10. The Train Station Dental parking lot currently encroaches into the property owned by the railroad, but that situation has existed for years and, while there is no easement permitting this encroachment, the railroad has not made an issue of that situation.
11. Mr. Westfield prepared the plans submitted with the current application as well as the plans approved by the Board for the expansion proposed in 2004.
12. The expansion in 2004 was approved by a Borough workshop board which considered the Property as being in a B-1 Zone and, therefore, no use variance relief was required.
13. The expansion of the building toward Merchant Street is proposed because it is the most feasible location for an addition to the building.

14. Mr. Westfield's architectural firm specializes in work on historic buildings and his goal with this project is to minimize any impact on the character of the existing building.
15. The Applicant is agreeable to complying with the terms and conditions set forth in the review letter prepared by the Board Engineer, including complying with the recommendation that a sidewalk be provided from the existing sidewalk within the right-of-way of West Merchant Street to the front entrance of the dental office.
16. The Applicant will submit revised plans incorporating the revisions, terms and conditions of the review letter prepared by the Board Engineer and will include a walkway detail from the existing sidewalk on Merchant Street on those revised plans.
17. The roof for the new addition will be rotated to make the original building more visible in an effort to respect the original architecture.
18. The unique shape of the Property, unusual narrowness and limited depth, results in the need for bulk variance relief with respect to certain setbacks.
19. The maximum lot coverage of 40% is not unusual for a residential zone but, results in hardship to the Applicant, because this is a commercial property with a more intense parking requirement.
20. The increase in lot coverage by 4% is a modest expansion.
21. The existing sign and landscaping around the sign will be relocated six feet (6') closer to Merchant Street.
22. The Applicant will add lighting near the garage in the parking lot and will ensure that the lighting is shielded so it does not impact neighboring properties.

23. The Applicant retained a civil engineer to address stormwater drainage and has proposed to tie the downspouts from the roofs into two (2) dry wells at the Property, one (1) in the between the building and Merchant Street and a second near the garage.
24. The Property is surrounded, largely, by other commercial properties and, notwithstanding it being located in a residential zone, the continued use of the Property as a dental office is suitable and appropriate for the neighborhood and will not be a substantial detriment to the neighborhood.
25. It is not feasible to install sidewalks along East Atlantic Avenue and, in lieu of sidewalks, the Applicant will be providing a walkway from Merchant Street to the building entrance.
26. The new walkway from Merchant Street to the building entrance will be fifty-seven feet (57') long and three and one-half feet (3.5') wide and, therefore, would add an additional 2% of lot coverage.
27. The Applicant amended their request for a lot coverage variance to request permission for 62% lot coverage where the maximum permitted lot coverage is 40%.
28. The Applicant has a sufficient number of parking spaces with fifteen (15) spaces required and sixteen (16) spaces being provided.
29. The Applicant believes the requested relief satisfies both the positive and negative criteria attendant to the Board's consideration of the use variance and bulk 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 and seconded 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:	Recused/Abstained
Mark Owens:	Yes
Steve Connelly:	Yes
Dan Gaspari:	Yes
James Kindya:	Yes
James Rossell, Jr:	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 and bulk variances 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)(2) permitting the expansion of a preexisting, nonconforming use, *to wit*, the construction of an addition on the Merchant Street side of the existing building containing 710 square feet on the first floor and 206 square feet on the upper floor.

4. The Applicant seeks bulk variance relief permitting (a) a front yard setback to East Atlantic Avenue of 12.79 feet where the minimum required front yard setback is twenty feet (20'); (b) a rear yard setback to the proposed addition of 4.17 feet where the minimum required rear yard setback is twenty-five feet (25'); and (c) lot coverage of 62% where the maximum permitted lot coverage is 40%.

5. 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 expansion of the existing, nonconforming 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 and Borough Master Plan; 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.

6. The Applicant has additionally demonstrated that the proposed use is not inconsistent with the Borough Master Plan.

7. The Applicant has further demonstrated the requisite proofs in accordance with N.J.S.A. 40:55D-70(c) of the Municipal Land Use Law for the granting of the bulk variances. Specifically, the Applicant has demonstrated the unique size, shape and configuration of the Property would result in undue hardship on the Applicant should the Ordinance requirement be strictly enforced and, further, 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 variances described herein permitting the construction of the addition as described in the Applicant's submissions and testimony all as more specifically described herein.

**NOW THEREFORE BE IT RESOLVED** that the application of Train Station Dental, LLC 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 granted herein 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 January 8, 2026 prepared by Steven M. Bach, P.E., P.P., C.M.E.; and (d) the Applicant submitting revised plans reflecting the revisions requested by the Board Engineer and agreed to by the Applicant at the time of the hearing, which plans will be subject to the review and approval of the Board Engineer.

**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 February 11, 2026.

The effective date of this Resolution shall be March 11, 2026.

**AUDUBON JOINT LAND USE BOARD**


Dated: March 11, 2026

  
MARK OWENS, VICE-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 February 11, 2026, 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 March 11, 2026.

Dated: March 11, 2026

  
STEPHANIE JENNETTA, SECRETARY