

**IN THE MATTER OF THE  
ANNUAL REPORT OF THE  
JOINT LAND USE BOARD OF THE  
BOROUGH OF AUDUBON  
TO THE  
GOVERNING BODY OF THE  
BOROUGH OF AUDUBON  
FOR THE YEAR 2024**

**BOROUGH OF AUDUBON  
JOINT LAND USE BOARD  
RESOLUTION OF  
MEMORIALIZATION  
RESOLUTION NUMBER 2025-B**

**WHEREAS**, the Joint Land Use Board of the Borough of Audubon is a combined board encompassing both the Planning Board of the Borough of Audubon and the Zoning Board of Adjustment of the Borough of Audubon, (the "Board"); and

**WHEREAS**, the New Jersey Municipal Land Use Law, N.J.S.A.40:55D-70.1, mandates that a zoning board of adjustment, at least once a year, must review its decisions on applications and appeals for variances, and prepare and adopt by resolution a report on its findings on zoning ordinance provisions which were the subject of variance requests and its recommendations for zoning ordinance, amendments or revisions, if any; and

**WHEREAS**, Matthew P. Madden, Esquire, Solicitor of the Board, has prepared a report in accordance with the aforesaid statute, which is attached hereto as Exhibit A (the "Report"); and

**WHEREAS**, the members of the Board have reviewed the Report at a meeting of the Board on Wednesday evening, March 12, 2025 with the following members being present: Mayor Robert Jakubowski; Commissioner Jeffrey Whitman; Jim Kindya; Mark Owens; David Thompson; Dave Alemi; Kevin Moran; Paul Hartstein; and James Rossell, Jr.; along with Steven

M. Bach, PE, RA, PP, CME, Engineer for the Joint Land Use Board; Matthew P. Madden, Esquire, Solicitor for the Joint Land Use Board; and James Rosseil, Jr., Secretary for the Joint Land Use Board; and

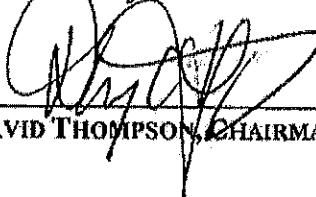
**WHEREAS**, upon motion duly made by David Thompson and seconded by Mark Owens, the Board unanimously approved the Report without specific recommendation.

**NOW THEREFORE BE IT RESOLVED** that the Report be and the same is hereby approved without recommendation by the Joint Land Use Board of the Borough of Audubon.

**BE IT FURTHER RESOLVED** that this Resolution and a copy of the Report be forwarded immediately by the Board Solicitor to the Mayor and Commissioners of the Borough of Audubon, and to the Borough Solicitor in accordance with the requirements of N.J.S.A. 40:55D-70.1.

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 March 12, 2025.

AUDUBON JOINT LAND USE BOARD



DAVID THOMPSON, CHAIRMAN

Dated: April 9, 2025

**CERTIFICATION**

I hereby certify that the foregoing resolution is a true memorialization of the Joint Land Use Board hearing on this matter held on March 12, 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 April 9, 2025.

Dated: April 9, 2025

  
\_\_\_\_\_  
JAMES ROSSELL, JR., SECRETARY

# BOROUGH OF AUDUBON



## JOINT LAND USE BOARD

---

## 2024 ANNUAL REPORT

**JOINT LAND USE BOARD MEMBERS  
JANUARY 1, 2024 TO DECEMBER 31, 2024**

---

MEMBER NAME	CLASS	TERM EXPIRATION
Mayor Robert Jakubowski	Class 1	May 31, 2025
David Taraschi	Class 2	June 30, 2025
Commissioner Jeffrey Whitman	Class 3	December 31, 2024
Steve Connelly	Class 4	July 6, 2027
Matt Del Duke	Class 4	July 6, 2027 <sup>1</sup>
Dan Gaspari	Class 4	June 30, 2026
Jim Kindya	Class 4	June 30, 2026
Mark Owens	Class 4	July 6, 2025
Dave Thompson, Chairman	Class 4	July 6, 2027
David Alemi	ALT. 1	July 6, 2025
Kevin Moran	ALT. 2	August 14, 2026
Paul Hartstein	ALT. 3	July 16, 2025
James Rosell, Jr.	ALT. 4	August 13, 2026

**JOINT LAND USE BOARD PROFESSIONALS AND STAFF  
JANUARY 1, 2024 TO DECEMBER 31, 2024**

---

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

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

Dawn Coleman – Board Secretary

---

<sup>1</sup> Matt DelDuke resigned as a Board member effective April 3, 2024.

**BOROUGH OF AUDUBON  
JOINT LAND USE BOARD  
2024 ANNUAL REPORT**

---

**INTRODUCTION**

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

The Joint Land Use Board of the Borough of Audubon is a combined board encompassing both the Planning Board of the Borough of Audubon and the Zoning Board of Adjustment of the Borough of Audubon. In accordance with N.J.S.A. 40:55D-70.1, the following constitutes the report on applications and appeals for variances heard by the Joint Land Use Board of the Borough of Audubon (the “Board”) during the year 2024.

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

## MEETING SUMMARY

The Borough of Audubon Joint Land Use Board met eight (8) times between January 11, 2024 and December 11, 2024. The meetings involved seven (7) separate applications in which requests for variance relief were heard to a decision. Because certain applications involve more than one (1) variance request, a total of ten (10) separate variances were requested by the respective applicants. Among those requests were two (2) requests for use variance relief pursuant to N.J.S.A. 40:55D-70(d)(1); and eight (8) requests for bulk variance relief pursuant to N.J.S.A. 40:55D-70(c).

The Board approved each of the requested variances. In addition, while not required to be included in this report because variances were not required, the Board approved one (1) application for a change of use and site plan waiver with respect to the physical rehabilitation facility proposed for Unit C-2 of the Audubon Crossings Shopping Center. The details of each of the variance requests, and the Board findings with regard to the same are set forth in detail herein.

## **SUMMARY OF BOARD DECISIONS**

**January 11, 2024**

### **Adam and Maura DiMedio, 165 Oakland Avenue (Block 68, Lot 10), R Zone**

Approval of three (3) separate bulk variances permitting the installation of an in-ground pool, rectangular in shape, with dimensions of twenty feet by forty feet (20' x 40') along with the construction of a fence measuring eight feet (8') high around portions of the pool. The Applicants were granted bulk variance relief permitting (1) a rear yard setback to the pool of eleven feet (11') from the western rear lot line and nine feet (9') from the eastern rear lot line where, pursuant to Ordinance § 113-382(3)(c)(2); (2) impervious coverage at the Property totaling forty five and one tenths percent (45.1%) where, pursuant to Ordinance § 113-382(3)(c)(2), the maximum permitted impervious coverage in the R Zoning District is forty percent (40%); and (3) fencing which is eight feet (8') high where pursuant to Ordinance § 113-442(b) no fence shall exceed six feet (6') in height above the adjacent ground level. The approvals were granted subject to the Standard Conditions in addition to being conditioned upon the Applicants ensuring that fencing is maintained around the pool which complies with Borough Ordinance requirements except as specifically approved. Resolution 2024-09 was adopted on March 13, 2024, memorializing the approvals granted.

**March 13, 2024**

### **DoubleUP RE Solutions LLC, 143 S. White Horse Pike (Block 31, Lot 7), B Zone**

Approval of a use variance permitting the renovation and conversion of the existing structure to contain a two-unit residential dwelling with one (1) unit occupying the first floor and one (1) unit occupying the second floor. Ordinance § 113-385(1) provides that a building may be altered or used and a lot may be used or occupied for certain specified uses and no others and further specifies in § 113-385(1)(m) that apartments are a permitted use, provided they are located above the ground floor in buildings having therein professional and medical uses. The Applicant's proposed multi-family use of the Property, therefore, is not expressly permitted in the Business (B) Zoning District and, as such, the Applicant sought use variance relief in accordance with N.J.S.A. 40:55D-70(d)(1). Use variance relief was granted subject to the standard conditions in addition to conditions requiring that (a) the Applicant add a rear entrance for the first floor unit so that both the first and second floor units can

access their respective units from the rear of the building; (b) the Applicant remove the front yard concrete parking area and installing lawn in that area; (c) the Applicant repair all concrete and sidewalk areas on the Property presently in disrepair; (d) the Applicant pave the driveway along the south side of the Property along with an area sufficient for the parking of four (4) vehicles in the rear yard of the Property; (e) the Applicant perform a structural evaluation of the detached garage with the understanding that, if the garage is to be demolished, the Applicant will install a sufficient landscaped buffer and/or fencing sufficient to ensure that the glare of vehicle headlights does not intrude upon the adjacent properties; and (f) the Applicant submit a plot plan/grading plan which demonstrates to the satisfaction of the Board Engineer that (1) there will be no negative impact from the flow of stormwater onto adjacent properties using the water quality storm as a basis for such demonstration and (2) the site improvements agreed upon over the course of the hearing have been duly incorporated into such plan. Resolution 2024-10 was adopted on June 12, 2024 memorializing the approvals granted.

June 12, 2024

**PSE&G, 535 West Nicholson Road (Block 152, Lot 1; Block 153, Lot 2, Block 16.04, Lot 2), C Zone**

Approval of an amended fence height variance in connection with the Applicant's pursuit of amended preliminary and final site plan approval. The Applicant previously obtained use variance relief; bulk variance relief; height variance relief; along with preliminary and final site plan approvals on December 14, 2022 as memorialized by Resolution 2022-13, which permitted the construction of a PSE&G electric substation and associated facilities and improvements in an area of the Property formerly used for employee parking in addition to permitting the development of a new off-street parking area; a pedestrian walkway; two (2) stormwater management systems; landscaping and fencing.

The Applicant sought amended site plan approval for certain changes and additions to the previously approved site plan consisting of a proposed pedestrian walkway and canopy along the front of the building to a separate employee entrance; additional security fencing along the newly proposed pedestrian walkway and along West Nicholson Road; additional EV charging stations in both new parking lots with minor curb, fencing and landscaping adjustments; a new security card reader island at the two (2) main access drives; a new two-inch (2") water service line to service the Control House within the new station; and new additional light poles in the proposed parking lots. Among the changes proposed was an expansion to the

previously approved fencing, which exceeded the maximum permitted height. The Board granted the amended approvals and fence variance subject to the Standard Conditions in addition to conditions requiring that (1) the Applicant ensure that operations will not result in the back-up of any vehicles onto Nicholson Road; (2) the Applicant install four foot (4') high, split rail fencing with black mesh around the stormwater basins; (3) the Applicant submit revised plans to the Board Engineer reflecting the adjusted fence location agreed upon at the time of the public hearing and sufficient landscaping adjacent to the fencing to create a visual buffer; and (4) the Applicant ensure that the security gates remain in an open position during peak employee shift start and end times. Resolution 2024-11 was adopted on July 10, 2024 memorializing the approvals granted.

**July 10, 2024**

**Communicore, LLC, 503-515 S. White Horse Pike (Block 47, Lots 1 & 1.02),  
A-1 Zone**

Approval of a use variance permitting the renovation and conversion of the vacant, three-story office building on the Property (formerly the offices for William Penn Bank) into fourteen (14) residential apartments consisting of two (2) studio apartments; seven (7) one-bedroom apartments; and five (5) two-bedroom apartments. Ordinance § 113-384(1) delineates the permitted uses in the A-1 Business Zoning District and does not expressly permit the use of the Property as a residential apartment complex and said ordinance further prohibits two (2) principal uses on one (1) lot. The Applicant proposed the conversion noted above while also retaining the separately existing bank branch use on the Property. The Applicant's proposed use of the Property, therefore, required use variance relief in accordance with N.J.S.A. 40:55D-70(d)(1). Use variance relief was granted subject to the standard conditions in addition to conditions requiring that (a) the Applicant ensure that all trash is maintained within the interior of the building except at the time it is placed at the curbside for pick-up; and (b) the Applicant recording a Deed of Consolidation which consolidates Lots 1 and 1.02 into a single tax lot. Resolution 2024-12 was adopted on August 14, 2024 memorializing the approvals granted.

**July 10, 2024**  
**(Continued)**

**Dorian Spackman, 8 South Barrett Avenue, (Block 10, Lot 11.01), R Zone**

Approval of a bulk variance permitting the construction of a rear deck with dimensions of eight feet wide by twelve feet deep (8' x 12'). The Applicant was granted bulk variance relief permitting lot coverage totaling forty-seven percent (47%) where, pursuant to Ordinance § 113-382(3)(c)(2), the maximum permitted lot coverage is forty percent (40%). The approvals were granted subject to the Standard Conditions. Resolution 2024-13 was adopted on August 14, 2024, memorializing the approvals granted.

**August 14, 2024**

**Carmen Imbalzano, 30 Oswego Avenue (Block 98, Lot 21.01), R Zone**

Approval of two (2) separate bulk variances permitting the installation of an in-ground pool in the rear yard of the Property, which pool would be rectangular in shape with dimensions of fourteen feet by twenty-eight feet (14' x 28'), along with a four foot (4') wide concrete apron surrounding the proposed pool, with the proposed rear yard setback to the pool being nine and three -tenths feet (9.3'). The Applicant was granted two (2) separate bulk variances permitting (1) the installation of the pool in a location which is nine and three-tenths feet (9.3') from the rear lot line where, pursuant to Ordinance § 113-449, no swimming pools shall be located within rear setback lines and, pursuant to Ordinance § 113-382(3)(c)(2), the minimum required rear yard setback is twenty-five feet (25'); and (2) lot coverage at the Property totaling fifty-six percent (56%) where, pursuant to Ordinance § 113-382(3)(c)(2), the maximum permitted lot coverage in the R Zoning District is forty percent (40%). The approvals were granted subject to the Standard Conditions. Resolution 2024-15 was adopted on September 11, 2024, memorializing the approvals granted.

September 11, 2024

Brittain Henderson, 209 Princeton Road (Block 37, Lot 10), R Zone

Approval of a bulk variance permitting the construction of a four hundred and eighty-six (486) square foot, one-story rear addition to the existing home. The Applicant was granted a bulk variance permitting lot coverage totaling 54.6% where, pursuant to Ordinance § 113-382(3)(c)(2), the maximum permitted lot coverage in the R Zoning District is forty percent (40%). The approval was granted subject to the Standard Conditions in addition to a condition requiring that the Applicant design and implement a stormwater mitigation system to offset the excess lot coverage with the design and specifications for such system subject to the review and approval of the Board Engineer in advance of permits being issued for the project. Resolution 2024-16 was adopted on November 13, 2024 memorializing the approvals granted.

The foregoing constitutes the Annual Report of the Joint Land Use Board of the Borough of Audubon for the year 2024 in accordance with N.J.S.A. 40:55D-70.1.

Dated: March 12, 2025

*Matthew P. Madden*

---

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