

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

**FOR PRELIMINARY AND FINAL
SITE PLAN AND
BULK VARIANCE APPROVALS
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 2026-04

WHEREAS, Flagship New Jersey Opco, LLC, whose address is 2 Mid America Plaza, Suite 450, Oakbrook Terrace, 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 the Applicant has previously obtained use variance relief pursuant to N.J.S.A. 40:55D-70(d) to permit the Property to be used as a full service commercial car wash facility with eighteen (18) vacuum parking stalls, with such approval conditioned and contingent upon (a) the Applicant obtaining site plan approval and approval of any and all necessary bulk variances 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; and

WHEREAS, the Applicant now seeks preliminary and final major site plan approval along with bulk variance relief pursuant to N.J.S.A. 40:55D-70(c) permitting (a) parking in a

front yard area where Ordinance § 113-385(5) provides that there shall be no off-street parking within a front yard; (b) a rear yard setback of 47.1 feet where Ordinance §113-385(3)(b)(4) provides that there shall be a minimum rear yard setback of 50 feet; (c) the provision of no loading area where Ordinance § 113-408(2) provides that every commercial establishment regularly receiving goods or materials hauled by vehicles having more than four (4) wheels shall provide a loading dock or suitable space for loading and unloading; (d) lot coverage of 76% where Ordinance § 113-385(3)(b)(7) provides that the maximum permitted lot coverage is 75%; (e) the provision of twelve (12) employee parking spaces where Ordinance § 113-408(1)(c)(8) provides that one (1) parking space shall be provided for every one (1) employee and the Applicant has represented that, in some instances, there shall be up to eighteen (18) employees on-site thereby requiring eighteen (18) employee parking spaces; and (f) sign variance relief permitting signage in excess of the maximum number and size permitted by Ordinance § 113-409 et seq. permitting three (3) total signs consisting of two (2) façade signs measuring 121 square feet and 79.9 square feet along with the Applicant's proposal to reface the existing freestanding, pylon sign; 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 three (3) separate reports dated January 9, 2026; February 9, 2026; and March 5, 2026, which reports are incorporated herein by reference; and

WHEREAS, the Applicant's application was deemed administratively complete at the Joint Land Use Board hearing which took place on February 11, 2026; and

WHEREAS, the application came before the Joint Land Use Board of the Borough of Audubon for a Public Hearing on Wednesday, March 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; Paul Hartstein; James Rossell, Jr.; and Michael Sullivan; along with Steven Bach, P.E., C.M.E., R.A., C.M.E., Engineer for the Joint Land Use Board; Matthew P. Madden, Esquire, Solicitor for the Joint Land Use Board; and Stephanie Jennetta, Secretary 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 prior use variance relief granted to the Applicant and their positions as Class 1 and Class 3 members of the Board, respectively; and

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

- a. Application cover letter prepared by Damien O. Del Duca, Esquire, dated November 25, 2025 consisting of two (2) pages.
- b. Summary of application consisting of two (2) pages.
- c. Borough of Audubon Land Development Application dated November 25, 2025.
- d. Audubon Borough Land Development Checklist.
- e. Report of wetland and waterbody presence/absence prepared by BL Companies Architecture Engineering Environmental Land Surveying dated April 18, 2025.
- f. Combined Preliminary Assessment/Phase I Environmental Assessment Report prepared by BL Companies Architecture Engineering Environmental Land Surveying dated May 20, 2025.

- g. Stormwater Analysis Report prepared by BL Companies Architecture Engineering Environmental Land Surveying dated November 24, 2025.
- h. Concept Plan entitled “Spotless Car Wash – Montgomery, 1026 County Route 518, Skillman, Montgomery Township, Somerset County, New Jersey” prepared by BL Companies Architecture Engineering Environmental Land Surveying dated August 19, 2025 consisting of two (2) sheets.
- i. Architectural Plan entitled “Proposed Elevations, Spotless Brand // 755 S. White Horse Pike, Audubon, NJ” prepared by BL Companies Architecture Engineering Environmental Land Surveying dated September 16, 2025.
- j. Architectural Plan entitled “Proposed First Floor Plan, Spotless Brand // 755 S. White Horse Pike, Audubon, NJ” prepared by BL Companies Architecture Engineering Environmental Land Surveying dated September 16, 2025.
- k. 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 3, 2025 entitled “Spotless Brand 755 S. White Horse Pike, Audubon Borough, New Jersey.
- l. Plan entitled “Preliminary/Final Major Site Plan, Spotless, Audubon, Block 50, Lots 1, 1.01, 2, 2.01, 3, 3.01, & 22, 755 S. White Horse Pike, Camden County, New Jersey” prepared by BL Companies Architecture Engineering Environmental Land Surveying dated November 24, 2025 consisting of thirty-one (31) sheets.
- m. Cover Letter prepared by Damien O. Del Duca, Esquire, dated January 29, 2026 consisting of one (1) page.
- n. Report entitled “Acoustical Evaluation of Proposed Spotless Car Wash, 755 S. White Horse Pike, Audubon, New Jersey” prepared by Lewis S. Goodfriend & Associates dated January 26, 2026.
- o. Proofs of service and publication of public notice.
- p. Notice of hearing two (2) property owners.

WHEREAS, at the time of the March 11, 2026 public hearing, the Applicant’s counsel submitted additional exhibits which were duly marked and entered into evidence as follows:

Exhibit SP-1: Aerial Plan Exhibit

Exhibit SP-2: Rendered Site Plan of Proposed Car Wash.

Exhibit SP-3: Signage Exhibit prepared by BL Companies Architecture Engineering Environmental Land Surveying dated March 11, 2026, consisting of three (3) sheets.

Exhibit SP-4: Color Architectural Renderings prepared by BL Companies Architecture Engineering Environmental Land Surveying dated March 11, 2026, consisting of four (4) sheets: view from intersection; view from country (sic) road; view from S. White Horse Pike; and Aerial View.

Exhibit SP-5: Architectural Plans prepared by BL Companies Architecture Engineering Environmental Land Surveying dated March 11, 2026, consisting of three (3) sheets: Architectural (sic) Site Plan; Proposed First Floor Plan; and Proposed Elevations.

Exhibit SP-6: Documentation regarding permitting history of Property consisting of five (5) pages.

Exhibit SP-7: Photograph depicting vacuum booms and vacuum parking spaces at similar car wash facility.

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

WHEREAS, the Board duly considered the application, plans, and exhibits in detail; and

WHEREAS, appearing at the public meeting to testify on behalf of the application were Judy Knop, Vice-President of Development for Flagship New Jersey OPCO, LLC; Jose I. Lazo, P.E., Project Engineer; John McDonough, L.A., P.P., A.I.C.P.; Kelly Hwang, R.A.; Michael Dick, acoustical engineer, 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 March 11, 2026 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 is located at the Northeast corner of the White Horse Pike and Kings Highway.
2. The Applicant is proposing to convert the existing building into a Flagship Car Wash.
3. The Applicant obtained use variance relief on October 8, 2025 which was, thereafter, memorialized by Resolution dated November 12, 2025, permitting the operation of a car wash with eighteen (18) vacuum stalls at the Property.
4. The Applicant gave public notice for this hearing being conducted with respect to their pursuit of site plan and bulk variance approvals.
5. For the most part, the site plan meets the requirements of the ordinance.
6. Other than the Applicant's request for a sign variance and loading zone variances, the variances needed are for pre-existing conditions.
7. The Applicant has no objection to complying with the terms and conditions outlined in the review letter prepared by the Board Engineer dated March 5, 2026.
8. As reflected on Exhibit SP-1, the drive aisle for the existing building butts up to the adjacent residential zone.
9. As shown on Exhibit SP-2, the site plan rendering, the proposal meets all buffering requirements with respect to the residential zone located to the north of the Property.

10. Exhibit SP-3 is the signage exhibit showing the proposed façade signs and pylon sign refacing.
11. Exhibit SP-4 are architectural renderings which show landscaping, which is representative of the Applicant's actual Landscape Plan.
12. Exhibit SP-5 are architectural plans consisting of an Architectural Site Plan, Floor Plans and proposed elevations.
13. Exhibit SP-6 is documentation regarding the permitting history for the Property which was submitted in response to comment number 17 in the letter prepared by the Board Engineer asking the Applicant to ensure that there has not been an acre of disturbance to the Property since 2004.
14. Exhibit SP-6 demonstrates that the pharmacy has existed at the Property since June 2004.
15. Exhibit SP-6 includes a demolition permit along with a number of pages confirming the dates of various inspections which occurred with respect to the prior development of the Property and which note that the final inspection took place in 2003 and, as such, there has not been an acre of disturbance at the Property since 2004, as confirmed by the Borough's permitting documents.
16. Judy Knop is the Vice President of Development and Construction for Spotless Brand Companies and is responsible for the development of the site.
17. As shown on Exhibit SP-2, customers will enter the site and proceed to the pay kiosk where members will be able to scan their card and proceed into the car wash while non-members will be greeted by an employee who instructs them on how to proceed through the car wash.

18. Customers will stay in their cars during the car wash and then have the options of leaving the site; going to the vacuums; or recirculating their vehicle into the dry belt where they would exit the car while employees vacuum and detail the car while the customers waits in a waiting area.
19. On average there will be ten (10) to twelve (12) employees at the Property although at the busiest times there will be up to eighteen (18) employees.
20. The Applicant is providing twelve (12) employee parking spaces.
21. On average, about fifty-percent (50%) of car wash employees drive to work, while the other employees either use public transportation or get a ride to work.
22. The twelve (12) employee parking spaces are sufficient for the Property but, in the event they are wrong about that, they have eighteen (18) vacuum spaces which an employee could occupy in the event space is needed.
23. Exhibit SP-7 is a photograph of the vacuum facilities at another Flagship Car Wash and accurately depicts how the vacuum facilities and vacuum booms will look once installed at the Property.
24. The car wash will operate seven (7) days per week from 8:00 a.m. to 8:00 p.m.
25. Jose I. Lazo, P.E. is a licensed Professional Engineer, has Bachelors of Science in Civil Engineer and his license is in good standing.
26. Mr. Lazo confirmed that the comments made by the attorney for the Applicant were accurate in all respects.
27. Mr. Lazo has personal knowledge of the Property and the design proposed to the Board.

28. The application represents a repurposing of an existing building.
29. The Applicant proposes eight (8) employee parking spaces along the White Horse Pike and four (4) employee parking spaces at the southwest corner of the building, which include a handicap space.
30. In addition, eighteen (18) vacuum spaces are proposed for the south side of the building.
31. The tunnel entrances for the car wash are on the east side of the building.
32. There are two (2) access points for the Property, one on Kings Highway which is a full service ingress and egress point, and one on the White Horse Pike, which will be a right in/right out only ingress/egress point.
33. The Applicant eliminated the ability for patrons to make a left turn in to the Property while traveling southbound on the White Horse Pike.
34. The Applicant proposes a buffer on the northside of the Property which meets the Ordinance's requirement for an eight foot (8') wide buffer but, as you approach the pay station, the buffer width increases to thirteen feet (13') wide.
35. The Applicant reduced the number of pay stations from three (3) to two (2).
36. The Applicant has proposed a six foot (6') tall, PVC, opaque fence along the northern property line.
37. The plans submitted in connection with the present proposal are substantially consistent with the plans presented at the time the Applicant obtained use variance relief in October of 2025.

38. With regard to how the plans have changed since October of 2025, the Applicant has widened the parking spaces from eight (8) feet to nine (9) feet; proposed a concrete sidewalk between the building and the parking spaces on portions of the southside of the building; included a Lighting Plan with the Site Plan; and altered the makeup of the trash enclosure so that it will now be a brick enclosure.

39. Exhibit SP-4 is a rendering of how the Property will look post-development and includes landscaping which accurately reflects the landscaping presently proposed, which complies with ordinance requirements.

40. The Applicant seeks a rear yard setback variance permitting rear yard setback of 47.1 feet where 50 feet is required, which is an existing non-conforming condition which the Applicant is not increasing.

41. The Applicant seeks a variance for lot coverage proposing 76% coverage where a maximum of 75% is permitted, although the Applicant's proposal represents a reduction in coverage from 80% to 76% thereby improving an existing non-conforming condition.

42. The Applicant seeks a variance for parking in a front yard area, which is also an existing condition, and which is not changing nor is the setback to such parking changing, the only difference being that two (2) additional parking spaces were added.

43. The Applicant is seeking a variance for providing no loading zone because deliveries are made via a van-type of vehicle and all deliveries are made at off peak hours and, therefore, there is no need for a loading space.

44. The Applicant has agreed to all comments contained within the review letter prepared by the Board Engineer with one (1) clarification being that they do not propose an EV parking space because, when less than twenty-five (25) new parking spaces are provided, they are exempt from providing an EV space.

45. In addition, one (1) comment from the Board Engineer requested that they relocate the existing utility transformer on the Property, which the Applicant will comply with, provided the utility company allows them to move that and, in that event, it will be relocated as far away from the residences to the North as is permitted by the utility company.

46. The Applicant has applied to the Camden County Planning Board along with the New Jersey Department of Transportation and both applications are currently pending.

47. The Applicant also seeks a variance for signage, proposing two (2) façade signs where only one (1) facade sign is permitted, proposing facade signs on both the White Horse Pike and Kings Highway frontage in order to properly identify the business in the building.

48. The existing brick Audubon sign will not be altered and is remaining at the Property.

49. The Applicant is agreeable to two (2) additional comments made by the Board Engineer, namely, to performing a sewer flow study which will be submitted to the Board Engineer for his review and approval in addition to obtaining a sanitary sewer connection permit.

50. Michael Dick is a licensed Acoustical Engineer who has been with his firm for ten (10) years and is board certified by the Institute of Noise Engineering.

51. Mr. Dick authored the Acoustical Evaluation Study submitted as part of the present proposal.

52. The purpose of Mr. Dick's study was to confirm that the business will comply with noise standards.
53. The hours of operation for the business are considered to be within daytime hours and, therefore, 65DBA (decibels) are permitted.
54. Mr. Dick modeled the site and determined that the primary noise generators were the vacuum sources in addition to the tunnel dry system.
55. The blowers on the tunnel dry system include manufacturer's silencers which cut down on the noise, in addition to which the interior walls have acoustical panels and eight (8) foot doors which further reduce noise.
56. Mr. Dick projected the sounds levels at adjacent properties, all of which were below applicable limits.
57. The business will not be open during nighttime hours.
58. The car wash will meet all NJDEP noise level standards.
59. Mr. Dick did not factor in idling cars in his study because he is not required to.
60. Judy Knop confirmed that they will have an employee at the pay station who will ask customers to turn their radios down should they be playing at a high volume and that same or an additional employee will also patrol the vacuum areas to ensure that patrons are not playing overly loud music from their vehicles.
61. John McDomough P.P is the Professional Planner for the Project and presented Exhibit A-3 which was presented at the time of the original hearing in October of 2025 and was prepared by his office.

62. Exhibit A-3 consists of four (4) aerial drone photographs of existing conditions at the Property.

63. The Applicant's proposal represents substantial conformance with the requirements of the B zoning district.

64. The setbacks at the Property will comply on all sides with the exception of the rear yard setback where they have a three (3) foot shortfall, but that is an existing condition.

65. The property immediately adjacent to the area where the reduced rear yard setback exists is at a grade six feet (6') higher than the Property, which mitigates the shortfall in the rear yard setback.

66. The landscaping and buffer screening proposed complies with all ordinance requirements.

67. The Applicant seeks a variance for the continuation of that non-conforming rear yard setback, continuing to propose 47.1 feet where a minimum of 50 feet is required.

68. The Applicant also seeks a variance for lot coverage proposing 76% lot coverage where a maximum of 75% is permitted, although the existing lot coverage is 80.2% and the Applicant, therefore, is reducing that non-conforming condition and bringing the Property closer to compliance with Ordinance standards.

69. The Applicant also seeks a variance for providing no loading zone because, generally, one is not needed for the business.

70. The Applicant also seeks signage variances as reflected on Exhibit SP-4 proposing two (2) façade signs where one (1) is permitted, in addition to proposing signage in excess of the maximum permitted size with the bigger facade sign proposed for the Kings Highway side.

71. The proposed signage is tasteful and appropriate.

72. The Applicant contends, and the Board agrees, that all variances are justified under the C(2) standard in that the benefits of granting the variances substantially outweigh any detriments and multiple purposes of zoning are advanced by the Applicant's proposal.

73. The proposed development advances purpose A of the Municipal Land Use Law 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 the public health and safety morals and general welfare because the Applicant is proposing a car cleaning service which everybody utilizes and which benefits everyone.

74. The proposal also advances purpose G of the Municipal Land Use Law which is to provide sufficient space and appropriate locations for a variety of uses and open space for both public and private according to their respective environmental requirements in order to meet the needs of all New Jersey citizens because the site is on a main roadway, has been vacant for some time which reflects poorly on the area, and is a use compatible with the other uses along the White Horse Pike.

75. The proposed development also advances purpose I of the Municipal Land Use Law which is to promote a desirable visual environment through creative development techniques and good civic design and arrangement because they are restoring a fallow building and reversing the

stagnation which has existed on this corner, which is a primary entrance to the Borough of Audubon.

76. The proposal also advances purpose I by beautifying the site, improving the site, and proposing new and improved landscaping.

77. The proposal also represents the efficient use of land because of their reuse and redevelopment of an existing building which has long sat vacant.

78. The variances sought for rear yard setback and front yard parking are also justified under the C(1) standard because they are existing conditions which the Applicant is not exacerbating.

79. The Board finds that the variance for having fewer than the minimum number of parking spaces is justified. The applicant proposes 12 spaces where 18 parking spaces are required because one space is required for each employee. The Board accepts that the applicant will only have 18 employees at its busiest times and that approximately one-half of its employees will take public transportation. In addition, the vacuum stalls can be utilized as overflow parking if needed. The benefit of the redevelopment and adaptive reuse of this long vacant site will substantially outweigh any benefits associated with granting this and the other bulk variances.

80. The variances can be granted without substantial detriment to the public good and without substantially impairing the intent and purposes of the Zone Plan and the Zoning Ordinances.

81. The Applicant is agreeable to ensuring that the meter vault is to be installed at a flush grade.

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:

- Chris Linaris of 22 Harvard Road, Audubon, New Jersey appeared to comment on the application. Mr. Linaris testified that the redevelopment of the Property was a great opportunity for the Town and inquired whether signage could be installed on the Property to ensure that patrons kept the noise down to a reasonable level. In response, representatives of the Applicant committed to installing signage to ensure that patron noise is kept to a minimum.

- Lou Vogel of 18 Amherst Road, Audubon, New Jersey appeared to comment on the Application. Mr. Vogel testified that he believed the proposal was a terrible idea because the other Flagship Car Wash location he has seen in Brooklawn is in more of a commercial area. Mr. Vogel inquired whether the vacuums on Kings Highway would be available at off hours and whether there would be any spillage from the lighting at the Property onto adjacent properties. In response the Applicant's representatives testified that the vacuums would only be available when the car wash was open for business, between 8:00 a.m. and 8:00 p.m., and that there would be no spillage of lighting onto adjacent properties.

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 Steve Connelly to approve the application for preliminary and final major site plan approval and bulk variances approvals as described herein,

contingent upon the Applicant's compliance with the review letter prepared by the Board Engineer and the matters to which the Applicant has committed as detailed in the recitation of testimony herein and the plans presented to the Board, 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 nine in favor and zero opposed (9 – 0) based upon the sworn testimony of the Applicant and the Applicant's representatives, the Applicant's submission materials and exhibits, and the conditions as agreed upon during the course of testimony 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:	Yes
Mark Owens:	Yes
Steve Connelly:	Yes
Dan Gaspari:	Yes
Paul Hartstein:	Yes
James Rosell, Jr.:	Yes
Michael Sullivan:	Yes
Kevin Moran:	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 and has advanced the necessary proofs evidencing substantial compliance with the site plan and other Ordinance standards justifying the grant of preliminary and final site plan approval.

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 bulk variances described herein permitting (a) parking in a front yard area where Ordinance § 113-385(5) provides that there shall be no off-street parking within a front yard; (b) a rear yard setback of 47.1 feet where Ordinance §113-385(3)(b)(4) provides that there shall be a minimum rear yard setback of 50 feet; (c) the provision of no loading area where Ordinance § 113-408(2) provides that every commercial establishment regularly receiving goods or materials hauled by vehicles having more than four (4) wheels shall provide a loading dock or suitable space for loading and unloading; (d) lot coverage of 76% where Ordinance § 113-385(3)(b)(7) provides that the maximum permitted lot coverage is 75%; (e) the provision of twelve (12) employee parking spaces where Ordinance § 113-408(1)(c)(8) provides that one (1) parking space shall be provided for every one (1) employee and the Applicant has represented that, in some instances, there shall be up to eighteen (18) employees on-site thereby requiring eighteen (18) employee parking spaces; and (f) sign variance relief permitting signage in excess of the maximum number and size permitted by Ordinance § 113-409 et seq. permitting three (3) total signs consisting of

two (2) façade signs measuring 121 square feet and 79.9 square feet along with the Applicant's proposal to reface the existing freestanding, pylon sign.

5. Specifically, the Applicant has demonstrated that the proposal, together with the requested variances noted above, benefits the general welfare in that it advances certain purposes of the Municipal Land Use Law, specifically purposes A, G, and I, and that the benefits in granting the requested relief substantially outweighs any detriments; and that the granting of such variance relief will not substantially impair the intent and purpose of the zone plan and zoning ordinance and that the granting of same will not operate as a substantial detriment to the public good.

6. The Board found the testimony of the Applicant's witnesses to be credible; it agrees with those witnesses' testimony, and grants the variance relief detailed herein for the reasons testified.

7. The Joint Land Use Board of the Borough of Audubon grants preliminary and final major site plan and approval of the requested bulk variances as described herein and as more specifically described in the plans, exhibits and testimony as detailed herein.

8. Applicant shall add notes to the architectural plans that (i) acoustical panels will be added to the inside of the building and (ii) reduce the rear overhead door openings to eight feet, as stated in the noise report submitted by the applicant to the Board.

9. Applicant shall extend the parking lot paving to the street line at the driveways.

10. Add "quiet" signs near the pay kiosks.

NOW THEREFORE BE IT RESOLVED that the application of Flagship New Jersey Opco, LLC for preliminary and final site plan approval and bulk variance approvals, as aforesaid and as described herein, is hereby approved as noted above.

BE IT FURTHER RESOLVED that the approvals granted are expressly conditioned and contingent upon (a) the Applicant complying with any and all comments and conditions identified within the report dated March 5, 2026, with the exception of the requirement that an EV parking space be installed, and submitting revised plans reflecting such compliance which shall be subject to the review and approval of the Board Engineer; (b) the Applicant submitting a sewer flow study to the Board Engineer, which shall be subject to the review and approval of the Board Engineer; (c) the Applicant obtaining a sanitary sewer connection permit; (d) the Applicant ensuring that the meter vault is installed at flush grade; (e) the Applicant relocating the existing utility transformer on the Property as far away from the residences as possible, if permitted by the utility company exercising control over such facility; and (f) the Applicant obtaining any and all necessary permits and outside agency approvals.

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 March 11, 2026.

AUDUBON JOINT LAND USE BOARD



DAVID THOMPSON, CHAIRMAN

Dated: April 8, 2026

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 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 April 8, 2026.



STEPHANIE JENNETTA, SECRETARY

Dated: April 8, 2026