

IN THE MATTER OF THE APPLICATION OF

MARK WATSON

**FOR APPROVAL OF BULK VARIANCES
FOR THE PROPERTY LOCATED AT**

**29 BELOIT AVENUE
BOROUGH OF AUDUBON, NJ
BLOCK 65 – LOT 6**

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

RESOLUTION NUMBER 2026-06

WHEREAS, Mark Watson, whose address is 29 Beloit Avenue, Audubon, New Jersey 08106, hereinafter referred to as the “Applicant”, is the owner of the property located at 29 Beloit Avenue, Audubon, New Jersey, which is also designated on the Tax Map of the Borough of Audubon as Block 65, Lot 6, hereinafter referred to as the “Property”; and

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

WHEREAS, the Property consists of an interior tax lot with dimensions of fifty feet wide by one hundred and twenty-five feet deep (50’ x 125’) upon which is situated a one and one-half-story, single family residential dwelling; a wooden rear deck; an accessory shed; a driveway; walkways; and associated site improvements; and

WHEREAS, the Applicant proposes the removal of the existing shed and a portion of the existing driveway, and the installation of an in-ground pool in the rear yard of the Property, which pool would be irregular in shape but have an overall area of 480 square feet and would be set back seven feet (7’) from the northwestern (side) lot line and twenty feet (20’) from the rear lot line, along with a paver patio of varying widths surrounding the proposed pool which will

have an overall area of 400 square feet, and a concrete pad to accommodate the pool filter and equipment, which will have an overall area of 15 square feet; and

WHEREAS, 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 the Applicant proposes to install the pool in a location which is twenty feet (20') from the rear lot line and the Applicant, therefore, requires bulk variance relief pursuant to N.J.S.A. 40:55D-70(c) permitting a reduction in the minimum required rear yard setback in order to install the pool in the location proposed; and

WHEREAS, pursuant to Ordinance § 113-449, no swimming pools shall be located within side yards, a side yard is interpreted by the Board as being the areas outside of the bounds of the side yard setbacks for the principal building which, in this case, is located 14.13 feet from the northwestern lot line, and the Applicant proposes to install the pool in a location which is seven feet (7') from the northwestern lot line and the Applicant, therefore, requires bulk variance relief pursuant to N.J.S.A. 40:55D-70(c) permitting a reduction in the minimum required side yard setback to a pool in order to install the pool in the location proposed; and

WHEREAS, pursuant to Ordinance § 113-382(3)(c)(2), the maximum permitted lot coverage in the R Zoning District is forty percent (40%); the existing lot coverage at the Property is 40.3%; the Applicant's proposal will result in lot coverage at the Property totaling forty five and three-tenths percent (45.3%); and the Applicant, therefore, requires bulk variance relief pursuant to N.J.S.A. 40:55D-70(c) permitting an excess over the maximum permitted lot coverage in order to install the pool as proposed; and

WHEREAS, Steven M. Bach, PE, RA, PP, CME Engineer for the Joint Land Use Board of the Borough of Audubon, has submitted a report dated May 8, 2026 which report and requirements therein are incorporated herein by reference, and

WHEREAS, the Application came before the Joint Land Use Board of the Borough of Audubon for Public Hearing on Wednesday, May 13, 2026 with the following members being present: Mayor Robert Jakubowski; Commissioner David Alemi; Vice-Chairman, Mark Owens; James Kindya; James Rossell, Jr.; Michael Sullivan; Kevin Moran; and Jodi Clark along with Steven M. Bach, PE, RA, PP, CME, Engineer for the Joint Land Use Board; Matthew P. Madden, Esquire, Solicitor for the Joint Land Use Board; and Stephanie Jennetta, Secretary for the Joint Land Use Board; and

WHEREAS, Board Member, Mayor Robert Jakubowski, recused himself from the hearing and vote on the application having been served with public notice of the application and, thereby, having a conflict of interest with this matter; and

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

- a. Borough of Audubon Land Development Application dated March 17, 2026.
- b. Audubon Borough Land Development Checklist.
- c. Escrow Agreement.
- d. Three (3) color photographs depicting existing conditions in the rear yard of the Property from varying angles.

- e. Property Survey prepared by Albert N. Floyd, P.L.S. of Albert N. Floyd & Son Land Surveyors entitled “Survey of Premises, No. 29 Beloit Avenue” dated July 30, 2007, as annotated by the Applicant to depict the location of the proposed pool.
- f. Plan prepared by Gary Chiang, P.E. of MGC Associates Consulting Engineers entitled “Swimming Pool Grading Plan, Tax Lot 6, Block 65, 20 Beloit Avenue, Borough of Audubon, Camden County, New Jersey” dated January 1, 2026 consisting of one (1) sheet.
- g. Proofs of Service and Publication of Public Notice; and
- h. 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 Mark Watson and Natalie Watson, the Property owners and the Applicant herein, who, along with the Board Engineer, was duly sworn and testified and responded to the questions from the members of the Joint Land Use Board and Board Professionals; and

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

1. The Applicant had lived in Audubon for nineteen (19) years.
2. For the last fourteen (14) years, the Applicant has erected an above-ground pool in the summer seasons.
3. The Applicant’s family has outgrown the above-ground pool, medical difficulties of the Applicant and his wife now make it difficult to ascend the ladder needed to access the above-ground pool and half of the Applicant’s guests are unable to access the above-ground pool due to the difficulty in ascending the ladder.

4. Most recently the Applicant had to assist his mother to carry her out of the pool due to difficulties with her having to climb in and out of the pool.
5. The Applicant loves Audubon and loves his Property, but would like to improve the Property with an inground pool so the Applicant can remain in Audubon and ensure that his children and guests are able to enjoy the pool in the future.
6. The Applicant intends to remove the existing shed, a patio and a portion of the existing driveway in order to offset the lot coverage being added by the installation of the pool and associated facilities.
7. The Applicant is not aware of any drainage issues on the Property or surrounding properties.
8. The Applicant has spent a great deal of time and effort designing the pool and arriving at a location for the proposed pool which is the least impactful on the required setbacks and coverage.
9. The Applicant will comply with the fencing regulations for pools and will submit a revised plan reflecting compliance with the fence regulations.
10. The Applicant has reviewed the correspondence prepared by the Board Engineer and has no objections to complying with all of the terms and conditions set forth in said correspondence.
11. The Applicant is proposing a stone, stormwater retention trench along the rear Property line to ensure that stormwater runoff does not impact any adjacent properties.

12. In light of the close proximity of the pool to the northwestern (side) lot line, the Applicant is agreeable to working with the Board Engineer to arrive at an appropriate manner by which the Applicant can ensure that stormwaters do not impact the neighbors to the north of the Property, whether such manner of stormwater control requires the installation of a retaining wall or other facilities.

13. The Applicant believes the pool will be an improvement to the Property and the neighborhood and, in light of the proposed installation of the stormwater retention system, will not operate as a substantial detriment to the public good.

WHEREAS, the meeting was opened to the public and the following member of the public appeared to comment on the application:

- Andrew Schmidt of 127 Carlisle Avenue, Audubon, New Jersey appeared to voice his support for the application noting that he thought the proposed pool sounded like a phenomenal idea.

WHEREAS, there being no further members of the public who appeared to question the Applicant or 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

NOW THEREFORE, The Joint Land Use Board of the Borough of Audubon makes the following findings of fact and conclusion of law, 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, thus, has standing to pursue the relief described herein.

3. The Applicant seeks bulk variance relief pursuant to N.J.S.A. 40:55D-70(c) permitting (a) impervious coverage totaling 45.3% where, pursuant to Ordinance § 113-382(3)(c)(2), the maximum permitted impervious coverage in the R Zoning District is forty percent (40%); (b) permitting a rear yard setback to the pool of twenty feet (20') from the rear lot line where, pursuant to Ordinance § 113-382(3)(c)(2), the minimum required rear yard setback is twenty-five feet (25'); and (c) permitting a side yard setback of seven feet (7') where, pursuant to Ordinance § 113-449, no swimming pools shall be located within side yards, a side yard is interpreted by the Board as being the areas outside of the bounds of the side yard setbacks for the principal building which, in this case, results in a required setback of 14.13 feet from the northwestern lot line.

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. Specifically, the applicant has demonstrated that by reason of an extraordinary and exceptional situation uniquely affecting the Property and structures lawfully existing thereon, *to wit*, the undersized nature of the Property combined with the location of improvements lawfully existing on the Property, the strict application of the Borough of Audubon side yard and rear yard setback requirements and impervious coverage allowance contained within the land development ordinance would result in peculiar and practical difficulties to and exceptional and undue hardship upon the Applicant; 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.

5. The Applicant's testimony, as set forth above, is hereby incorporated in these findings of fact.

6. The Joint Land Use Board of the Borough of Audubon grants approvals for the bulk variances described herein; the installation of the pool described herein and as described in the Applicant's submissions.

WHEREAS, upon Motion duly made by James Kindya and seconded by Michael Sullivan to conditionally approve the application, the Joint Land Use Board of the Borough of Audubon unanimously approved the application by a vote of seven (7) in favor and zero (0) opposed based upon the sworn testimony of the Applicant and the conditions as set forth above and hereafter.

The voting on the application was as follows:

Mayor Jakubowski:	Abstained/Recused
Commissioner Alemi:	Yes
Mark Owens:	Yes
James Kindya:	Yes
James Rossell, Jr.:	Yes
Michael Sullivan:	Yes
Kevin Moran:	Yes
Jodi Clark:	Yes

NOW THEREFORE BE IT RESOLVED that the Application of Mark Watson for bulk variance approvals permitting 45.3% lot coverage; a rear yard setback of 20 feet; and a side yard setback of 7 feet, as described herein are hereby approved as noted above.

BE IT FURTHER RESOLVED that the approvals are expressly 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 permits and outside agency approvals; (c) the Applicant complying with any and all comments and conditions identified within the report dated May 8, 2026 prepared by Steven M. Bach, P.E., P.P., C.M.E. and making any and all necessary submissions to the Board Engineer which shall be subject to the review and approval of the Board Engineer in advance of permits being issued for the project; and (d) the Applicant working with the Board Engineer to determine the appropriate manner in which to ensure that stormwaters are contained within the Property and directed to the stormwater system and do not impact adjacent neighbors.

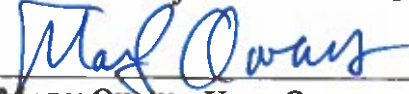
BE IT FURTHER RESOLVED that the Applicants comply with all the other terms and conditions of the Zoning Ordinance and Building Code of the Borough of Audubon, and the Statutes of the State of New Jersey.

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 May 13, 2026.

Dated: June 10, 2026

AUDUBON JOINT LAND USE BOARD

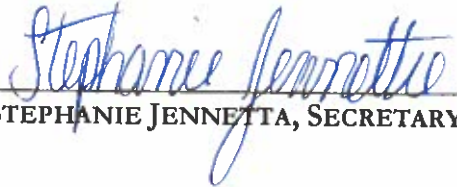


MARK OWENS, VICE-CHAIRMAN

CERTIFICATION

I hereby certify that the foregoing resolution is a true memorialization of the Joint Land Use Board hearing on this matter held on May 13, 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 June 10, 2026.

Dated: June 10, 2026


STEPHANIE JENNETTA, SECRETARY