

IN THE MATTER OF THE APPLICATION OF

ANDREW SCHMIDT

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

**127 CARLISLE ROAD
BOROUGH OF AUDUBON, NJ
BLOCK 41 – LOT 14**

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

RESOLUTION NUMBER 2026-07

WHEREAS, Andrew Schmidt, whose address is 127 Carlisle Road, Audubon, New Jersey 08106, hereinafter referred to as the “Applicant”, is the owner of the property located at 127 Carlisle Road, Audubon, New Jersey, which is also designated on the Tax Map of the Borough of Audubon as Block 41, Lot 14, 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 sixty feet wide by one hundred and twenty-five feet deep (60’ x 125’) upon which is situated a two-story, single family residential dwelling with open front porch; a rear deck; an accessory shed; a concrete basketball court; a concrete driveway; walkways; and associated site improvements; and

WHEREAS, the Applicant proposes the removal of the existing shed and the installation of an in-ground pool in the rear yard of the Property, which pool would be “L”- shaped and will have an overall area of 400 square feet along with a surrounding apron consisting of concrete and

pavers four feet (4') in width resulting in proposed lot coverage of 49.7% and which would be set back ten feet (10') from the rear lot line; 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 ten feet (10') 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 § 113-382(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 38.6%; the Applicant's proposal will result in lot coverage at the Property totaling forty nine and seven-tenths percent (49.7%); 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, Michael Sullivan, 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 January 27, 2026.
- b. Property Survey prepared by Richard S. Humphries, P.L.S. of Walter H. Macnamara Assoc., Inc. entitled "Survey of Premises, No. 127 Carlisle Road, Boro. of Audubon, Camden Co., New Jersey" dated August 19, 2025.
- c. Property Survey prepared by Richard S. Humphries, P.L.S. of Walter H. Macnamara Assoc., Inc. entitled "Survey of Premises, No. 127 Carlisle Road, Boro. of Audubon, Camden Co., New Jersey" dated August 19, 2025, annotated by the Applicant with the location and dimensions of the proposed pool.
- d. Plan of Survey prepared by James A. Clancy, P.E., P.L.S. of Clancy & Associates, Inc. entitled "Plan of Survey, Lot:14, Block:41", annotated by the Applicant with the location and dimensions of the proposed pool.
- e. Proofs of Service and Publication of Public Notice; and
- f. 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 was Andrew Schmidt, the Property owner 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 ten (10) years.
2. The Applicant has three (3) young children, a 10, 12 and 14-year-old.
3. The Applicant is looking to improve his Property via the installation of an inground pool for recreational use by the Applicant, his family and guests.
4. The Applicant intends to remove the existing shed, which currently encroaches onto the neighboring property, and which does not comply with rear or side setback requirements thereby bringing the Property closer to conformance with Ordinance requirements.
5. The Applicant will comply with the requirement to design a stormwater storage and infiltration system which will store and infiltrate the stormwater generated by the difference between the permitted 40% lot coverage and the 49.7% lot coverage proposed for the water quality storm event consistent with the New Jersey Department of Environmental Protection Stormwater Best Management Practices manual.
6. The design of the noted stormwater system must be submitted to the Board Engineer and shall be subject to the review and approval of the Board Engineer.

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

- John Poliero of 47 Beloit Avenue, Audubon, New Jersey appeared and inquired regarding the location of the Property.

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 49.7% where, pursuant to Ordinance § 113-382(3)(c)(2), the maximum permitted impervious coverage in the R Zoning District is forty percent (40%); and (b) permitting a rear yard setback to the pool of ten feet (10') 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').

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 the

proposal benefits the general welfare in that it advances certain purposes of the Municipal Land Use Law and that the benefits in granting the requested relief substantially outweigh 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.

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

NOW THEREFORE BE IT RESOLVED that the Application of Andrew Schmidt for bulk variance approvals permitting 49.7% lot coverage and a rear yard setback of 10 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; and (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.

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 May 13, 2026.

Dated: June 10, 2026

AUDUBON JOINT LAND USE BOARD

A handwritten signature in blue ink, appearing to read "Mark Owens", is written over a horizontal line.

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