

**IN THE MATTER OF THE APPLICATION OF
AUTHORIZED APPLICANT**

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

BOROUGH OF AUDUBON, NJ

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

RESOLUTION NUMBER 2026-08

WHEREAS, the Authorized Applicant, hereinafter referred to as the “Applicant”, is the owner of the property which is the subject of the present application, 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 lot with dimensions of fifty feet wide by one hundred and twenty-five feet deep (50’ x 125’), upon which is situate a two-story, detached, single-family residential dwelling; an asphalt driveway; a rear detached shed; walkways; and associated site improvements; and

WHEREAS, the Property currently includes preexisting, nonconforming conditions, *to wit*: the lot area is 6,250 square feet where, pursuant to Ordinance § 113-382(3)(a)(1)(i), the minimum required lot area is 7,500 square feet; the front yard setback is 12.5 feet where, pursuant to Ordinance § 113-382(3)(b)(1), the minimum required front yard setback is 20 feet; the lot coverage is 54.1% where, pursuant to Ordinance § 113-382(3)(c)(2), the maximum permitted lot coverage is 40%; the building coverage is 26.1% where, pursuant to Ordinance §

113-382(3)(c)(1), the maximum permitted building coverage is 25%; and the rear and side yard setbacks to the accessory shed are two feet and three feet, respectively where, pursuant to Ordinance § 113-444(2)(a)(2), the minimum required rear and side yard setback to accessory structures is five feet (5'); and

WHEREAS, the Applicant proposes to construct a 432 square foot covered patio which would be set back 4.8 feet from the side lot line and 3.5 feet from the rear lot line; a 171 square foot rear deck; a 42.25 square foot side deck; and install a 8' x 8' sauna which would be set back 3.4 feet from the rear lot line and 3.9 feet from the side lot line; and

WHEREAS, the Applicant's proposal will require the following bulk variance relief pursuant to N.J.S.A. 40:55D-70(c):

1. Permitting lot coverage of 53.79% where the existing lot coverage is 54.1% and the maximum permitted lot coverage is 40%.
2. Permitting building coverage of 27.12% where the existing building coverage is 26.1% and the maximum permitted building coverage is 25%.
3. Permitting a side yard setback to the proposed covered patio of 4.8 feet where the minimum required side yard setback to accessory structures is 5 feet.
4. Permitting a rear yard setback to the proposed covered patio of 3.5 feet where the minimum required rear yard setback to accessory structures is 5 feet.
5. Permitting a side yard setback to the relocated shed of 1.4 feet where the minimum required side yard setback to accessory structures is 5 feet.

6. Permitting a side yard setback to the proposed sauna of 3.4 feet where the minimum required side yard setback to accessory structures is 5 feet.
7. Permitting a rear yard setback to the proposed sauna of 3.4 feet where the minimum required rear yard setback to accessory structures is 5 feet.

WHEREAS, Steven M. Bach, PE, RA, PP, CME Engineer for the Joint Land Use Board of the Borough of Audubon, has submitted a report July 2, 2026, which report is incorporated herein by reference, and

WHEREAS, over the course of the public hearing on the application, the Applicant withdrew their requests for four (4) variances for side and rear yard setback variances for the setbacks to the proposed covered patio and side and rear yard setback variances for the setbacks to the proposed sauna, and represented to the Board that such improvements would be installed in compliance with setback requirements leaving for the Board's consideration three (3) separate variances for lot coverage, building coverage and side yard setback to the relocated shed; and

WHEREAS, the Application came before the Joint Land Use Board of the Borough of Audubon for Public Hearing on Wednesday, July 8, 2026 with the following members being present: Mayor Robert Jakubowski; Commissioner David Alemi; Chairman David Thompson; Vice-Chairman, Mark Owens; James Kindya; Dan Gaspari; Kevin Moran; and Jodi Clark along with Craig Reilly, PE, 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 Jakubowski, recused himself from the hearing on the application having been served with public notice of the hearing and, thereby, having an inherent conflict of interest; and

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

- a. Borough of Audubon Land Development Application dated June 12, 2026.
- b. Four (4) color photographs of existing conditions at the Property.
- c. Property survey prepared by Francis A. Draves, III, P.L.S. of F.A. Draves Professional Land Surveyor dated May 9, 2026.
- d. Grading Plan prepared by James E. Maccariella, Jr., P.E. dated June 5, 2026 consisting of two (2) sheets.
- 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, the Applicant appeared at the public meeting to testify on behalf of the application and 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 proposes to do work in his backyard to make the backyard and Property itself more livable.

2. The Applicant purchased the Property three (3) years ago from the prior owners who had resided at the Property for over forty (40) years.
3. The Applicant and his wife have a two-year-old child and hope to raise a family and live in the home for as long as the prior owners did.
4. The house previously had a large back deck, as depicted in the photographs submitted with the application, which was likely installed without permits and has since been removed by the Applicant.
5. The backyard of the home has a southwest exposure and gets very hot in the summer months.
6. The proposal will result in excess lot coverage and the Applicant is proposing a stormwater infiltration system to offset the excess coverage.
7. While the lot coverage will exceed the maximum permitted lot coverage, the Applicant's proposal will result in a net decrease of lot coverage and, together with the proposed stormwater infiltration system, will be beneficial in reducing stormwater runoff from the Property.
8. The covered patio will consist of a roof with asphalt shingles supported by a series of columns but there will be no walls on the covered patio structure.
9. The Property is nonconforming with respect to minimum lot area making compliance with ordinance standards a hardship to the Applicant.
10. The Applicant acknowledges that the locations for both the covered patio and sauna can be easily adjusted to comply with ordinance setback standards and has committed to compliance with those standards and, therefore, withdrew the requests for side and rear yard setback

variances for both the covered patio and the sauna, both of which will comply with setback requirements.

11. Due to the size and location of the existing home, the backyard is relatively small and this makes it difficult to comply with setback and coverage requirements.

12. The Applicant has not experienced any issues with stormwaters puddling or ponding at the Property or areas adjacent thereto.

WHEREAS, the meeting was opened to the public and, there being no 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

WHEREAS, upon Motion duly made by James Kindya and seconded by David Thompson 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 Applicant, the Applicant's submission materials and the conditions as set forth above and hereafter.

The voting on the application was as follows:

Mayor Jakubowski:	Recused
Commissioner Alemi:	Yes
David Thompson:	Yes
Mark Owens:	Yes
Dan Gaspari:	Yes
James Kindya:	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, 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 variance relief described herein.
3. The Applicants seek bulk variance relief (a) from Ordinance § 113-382(3)(c)(1) permitting building coverage totaling 27.12% where the maximum permitted building coverage is 25%; (b) from Ordinance § 113-382(3)(c)(2) permitting lot coverage totaling 53.79% where the maximum permitted lot coverage is 40%; and (c) from Ordinance § 113-444(2)(a)(2) permitting a side yard setback of 1.4 to the relocated shed where the minimum required side yard setback to accessory structures is 5 feet.
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 variance relief described herein.
5. Specifically, the Applicant has demonstrated that the proposal benefits the general welfare in that it advances certain purposes of the Municipal Land Use Law as a result of the net decrease in lot coverage combined with the proposal to install a stormwater infiltration system to offset the excess lot coverage 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.

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

7. The Joint Land Use Board of the Borough of Audubon grants approvals for the bulk variances and the construction of improvements as described herein and in the Applicant's submissions to the Board, except as modified by the Applicant's testimony.

NOW THEREFORE BE IT RESOLVED that the application for bulk variance approvals as described herein is hereby approved as noted above.

BE IT FURTHER RESOLVED that the approvals are expressly conditioned and contingent upon (a) the Applicants complying with all testimony, submissions and representations made at the time of the public hearing; (b) the Applicants obtaining any and all necessary permits and outside agency approvals; and (c) the Applicants complying with any and all comments and conditions identified within the report dated July 2, 2026 prepared by Steven M. Bach, P.E., P.P., C.M.E.

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 July 8, 2026.

The effective date of this Resolution shall be August 12, 2026.

AUDUBON JOINT LAND USE BOARD

Dated: August 12, 2026

DAVID THOMPSON, 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 July 8, 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 August 12, 2026.

Dated: August 12, 2026

STEPHANIE JENNETTA, SECRETARY