

**IN THE MATTER OF THE APPLICATION OF
FENTON’S DREAM, LLC
FOR PRELIMINARY SITE PLAN APPROVAL
FOR THE PROPERTY LOCATED AT**

**263 SOUTH WHITE HORSE PIKE
BOROUGH OF AUDUBON, NJ
BLOCK 32 – LOT 12**

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

RESOLUTION NUMBER 2025-04

WHEREAS, Fenton’s Dream, LLC, whose address is 131 Copperfield Drive, Woodbury, New Jersey 08096 (hereinafter referred to as the “Applicant”), is the owner of the property located at 263 South White Horse Pike, Audubon, New Jersey, which is also designated on the Tax Map of the Borough of Audubon as Block 32, Lot 12 (hereinafter referred to as the “Property”); and

WHEREAS, the Applicant was represented by Paul C. Dougherty, Esquire of the Law Office of Paul C. Dougherty, with offices located at 115 Black Horse Pike, Haddon Heights, NJ 08035; and

WHEREAS, the Property is located in the Business (B) Zoning District; and

WHEREAS, the Property consists of a vacant interior lot with ninety-nine and three-tenths feet (99.3’) of width/frontage on the White Horse Pike and a depth of one hundred and fifty feet (150’) which is adjacent to the Audubon Arms Apartments to the southeast of the Property and an office building to the northwest of the Property; and

WHEREAS, on January 11, 2023 the Applicant obtained conditional use variance relief pursuant to N.J.S.A. 40:55D-70(d)(3) permitting the construction of the townhouse development on a lot containing less than two (2) acres and permitting the parking field to appear outside of the overall length of the proposed building along with bulk variance relief pursuant to N.J.S.A. 40:55D-70(c) permitting (1) Property width of ninety-nine and three-tenths feet (99.3') where two hundred feet (200') is required; (2) a rear yard setback of thirty-six feet (36') where a minimum of forty-five feet (45') is required; and (3) parking facilities in a front yard area, thereby permitting the development of the Property with a structure containing three (3) townhomes along with parking facilities for eight (8) vehicles and associated site improvements, which approvals were memorialized in Resolution 2023-09 dated February 8, 2023; and

WHEREAS, the prior approvals granted to the Applicant were subject to certain conditions including, but not limited to, the Applicant making a subsequent application for and obtaining preliminary and final site plan approval from the Board; 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 two (2) reports dated November 11, 2024 and July 7, 2025, which reports 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, July 9, 2025 with the following members being present: Mayor Robert Jakubowski; Commissioner Dave Alemi; Chairman David Thompson; Vice-Chairman Mark Owens; Dan Gaspari; Kevin Moran; James Rossell, Jr.; and Jodi Clark along with Steven M. Bach, PE, RA, PP, CME, Engineer for the Joint Land Use Board, and

Matthew P. Madden, Esquire, Solicitor for the Joint Land Use Board; and

WHEREAS, the Applicant submitted with this application the following:

- a. Borough of Audubon Land Development Application dated October 18, 2024.
- b. Borough of Audubon Land Development Checklist.
- c. Cover Letter by Padula Engineering dated September 13, 2024.
- d. List of waivers requested.
- e. Post-Construction Stormwater Management Report by Padula Engineering dated August 30, 2024.
- f. Audubon Joint Land Use Board Resolution 2023-09 dated February 8, 2023.
- g. Four (4) color photographs of existing conditions at the Property.
- h. Site Plan package prepared by William R. Cujdik, P.E., P.L.S., P.P. or Padula Engineering Company dated August 30, 2024 consisting of eight (8) sheets as follows:
 - 1: Cover Sheet
 - 2: Existing Conditions/Demolition Plan
 - 3: Site Plan
 - 4: Grading Plan
 - 5: Stormwater Management Plan
 - 6: Erosion and Sedimentation Control Plan
 - 7: Details
 - 8: Details
- i. Cover Letter by Padula Engineering dated March 24, 2025.
- j. Waiver Request Letter by Padula Engineering dated March 24, 2025.
- k. Letter regarding recertification of survey by Padula Engineering dated March 24, 2025.
- l. Camden County Soil Conservation District application dated March 25, 2025.
- m. Phase I Environmental Site Assessment prepared by Curren Environmental, Inc.

dated December 2024.

- n. Geophysical Survey prepared by Curren Environmental, Inc. dated December 12, 2024.
- o. Architectural Plans prepared by Nicholas Piro, III, R.A. of Three Dimensions Architectural Group Inc. dated February 19, 2024 consisting of seventeen (17) sheets.
- p. Site Plan package prepared by William R. Cujdik, P.E., P.L.S., P.P. or Padula Engineering Company dated August 30, 2024 and bearing a latest revision date of March 25, 2025 consisting of eleven (11) sheets as follows:
 - 1: Cover Sheet
 - 2: Aerial Context Plan
 - 3: Existing Conditions/Demolition Plan
 - 4: Site Plan
 - 5: Grading & Stormwater Management Plan
 - 6: Erosion and Sedimentation Control Plan
 - 7: Sanitary Sewer Plan and Profile
 - 8: Lighting Plan
 - 9: Notes & Details
 - 10: Details
 - 11: Traffic Controls
- q. Proofs of mailing and publication of public notice.

WHEREAS, the Board duly considered the application in detail, and

WHEREAS, appearing at the public meeting to testify on behalf of the application were Michael Valianti, authorized member of Fenton's Dream, LLC, the owner of the Property and the Applicant herein, and William Cujdik, P.E., P.L.S., P.P., project engineer/surveyor/planner who were each duly sworn and testified and responded to questions from their counsel and the members and professionals of the Joint Land Use Board of the Borough of Audubon; and

WHEREAS, as an initial matter, the Board conducted a completeness review and, upon motion duly made and seconded, the Board unanimously determined that the application was complete; and

WHEREAS, the application was then summarized by counsel and testimony was taken from the Applicant's representative regarding the application as follows:

1. The Applicant previously obtained conditional use variance approval along with bulk variance approval in order to construct a townhome development consisting of a total of three (3) units which would include eight (8) on-site parking spaces.
2. The Applicant completed an environmental study and has submitted the results to the Board Engineer.
3. The Applicant will secure any and all necessary outside agency approvals.
4. While the environmental report indicated that no contamination was found at the Property, the report notes that further investigation of the Property may be warranted at this time.
5. The Applicant is agreeable to obtaining a certification from the Applicant's environmental professional certifying that the Property is suitable for residential development.
6. The Applicant is agreeable to complying with the terms and conditions set forth in the review letters prepared by the Board Engineer.
7. The Applicant is agreeable to installing a landscaped buffer and will submit a landscaping plan to the Board Engineer which, at a minimum, shows proposed foundation plantings and a double row of evergreens proposed along the rear fence line, which landscaping plan will be subject to the review and approval of the Board Engineer.

8. The Applicant will return to the Board in order to secure final site plan approval.

WHEREAS, the meeting was opened to the public and, there being no members of the public who appeared to question the Applicant or comment 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 David Thompson and seconded by Dan Gaspari to approve the preliminary site plan application, subject to the Applicant making a subsequent application for and obtaining from the Board final site plan approval; subject to the Applicant complying with the terms and conditions of the review letters prepared by the Board Engineer; subject to the Applicant submitting a landscaping plan to the Board Engineer demonstrating the proposed installation of foundation plantings and a proposed double row of evergreens along the rear fence line; subject to the Applicant obtaining a certification from their environmental professional attesting to the fact that the Property is suitable for residential development; and subject to the Applicant submitting to and obtaining the approval of the Board professionals for the form and substance of the maintenance and operations obligations regarding the Property in a declaration of covenants and restrictions, which declaration shall be recorded with the County as a covenant running with the land, the Joint Land Use Board of the Borough of Audubon unanimously approved the preliminary site plan application by a vote of eight (8) in favor and zero (0) opposed, 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 at follows:

Mayor Jakubowski	Yes
Commissioner Alemi:	Yes
David Thompson:	Yes
Mark Owens:	Yes
Dan Gaspari:	Yes
James Rossell, Jr.:	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 approvals sought and described herein.
3. The Applicant seeks and has advanced the necessary proofs justifying the grant of preliminary site plan approval.
4. The Applicant's testimony, as set forth above, and the Applicant's submissions and exhibits are hereby incorporated in these findings of fact.
5. The Joint Land Use Board of the Borough of Audubon grants preliminary site plan approval.

NOW THEREFORE BE IT RESOLVED that the application of Fenton's Dream, LLC for preliminary site plan approval, as aforesaid, is hereby approved as noted above.

BE IT FURTHER RESOLVED that the approval is expressly conditioned upon (a) the Applicant complying with all testimony, submissions and representations made in support of the application and at the time of the public hearing; (b) the Applicant obtaining any and all necessary outside agency approvals and permits; (c) the Applicant complying with any and all comments and

conditions identified within the reports dated November 11, 2024 and July 7, 2025 prepared by Steven M. Bach, P.E., P.P., C.M.E. except as modified by the Applicant's testimony; (d) the Applicant making a subsequent application for and obtaining final site plan approval from the Board; (e) the Applicant submitting a landscaping plan to the Board Engineer demonstrating the proposed installation of foundation plantings and a proposed double row of evergreens along the rear fence line, which plan will be subject to the review and approval of the Board Engineer; (f) the Applicant obtaining a certification from their environmental professional attesting to the fact that the Property is suitable for residential development; and (g) the Applicant obtaining approval from the Board professionals during the site plan approval process as to the form and substance of the maintenance and operations obligations regarding the Property in a declaration of covenants and restrictions, which declaration shall be recorded with the County as a covenant running with the land.

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 9, 2025.

The effective date of this Resolution shall be August 12, 2025.

AUDUBON JOINT LAND USE BOARD

Dated: August 12, 2025

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 9, 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 August 12, 2025.

Dated: August 12, 2025

JAMES ROSSELL, JR., SECRETARY