

IN THE MATTER OF THE APPLICATION OF

JUSTIN ADAMCZYK-DeLARGE

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

**280 SOUTH BARRETT AVENUE
BOROUGH OF AUDUBON, NJ
BLOCK 13 – LOT 14**

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

RESOLUTION NUMBER 2026-12

WHEREAS, Justin Adamczyk-DeLarge, whose address is 280 South Barrett Avenue, Audubon, New Jersey 08106, hereinafter referred to as the “Applicant”, is the owner of the property located at 280 South Barrett Avenue, Audubon, New Jersey, which property is designated on the Tax Map of the Borough of Audubon as Block 13, 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 a corner lot with dimensions of fifty-five feet wide by one hundred and fifty feet deep (55’ x 150’), which has 55 feet of frontage on South Barrett Avenue and 150 feet of frontage on Pine Street, upon which is situate a one and one-half-story, detached, single-family residential dwelling; a rear deck; two (2) pergolas in the rear yard; a paver patio; a detached garage; an above-ground pool with surrounding elevated deck; a fence; a ribbon driveway leading from Pine Street; concrete walkways; and associated site improvements; and

WHEREAS, the Applicant has installed various improvements on the Property without having secured permits from the Borough of Audubon or approvals from the Borough of Audubon Joint Land Use Board including the installation of the above-ground pool and construction of the surrounding elevated deck; the construction of the rear deck; the construction of the two (2) pergolas in the rear yard; the installation of a paver patio; the increase in height of the fence along the northern lot line from 6 feet to 8 feet; and the installation of a concrete walkway; and

WHEREAS, the Borough of Audubon issued a Notice of Violation and Order to Terminate to the Applicant on or about July 10, 2024, citing the Applicant for a violation of N.J.A.C. 5:23-2.14(a) for work performed without required permit and issued a subsequent Notice of Violation and Order to Terminate to the applicant on or about May 20, 2026, citing the Applicant for a violation of N.J.A.C. 5:23-2.31(b)(1)(ii) for failure to comply with the previously issued Notice of Violation and Order to Terminate; and

WHEREAS, the Applicant seeks any and all necessary land development approvals and variances in order to retain the improvements which were installed by the Applicant without the Applicant having received permits or approvals; and

WHEREAS, the pergola installed by the Applicant, which has dimensions of twelve feet by twenty-two feet (12' x 22'), was installed at a setback of 1.54 feet from the Northern/side Property boundary, where Ordinance § 113-444(2)(a)(2) mandates a minimum required side yard setback of 5 feet and the Applicant, therefore, requires bulk variance relief

permitting a reduction in the minimum required side yard setback to the pergola in accordance with N.J.S.A. 40:55D-70(c); and

WHEREAS, the above-ground pool and surrounding elevated deck were installed at a setback of 1.54 feet from the Northern/side Property boundary, where Ordinance § 113-444(2)(a)(2) mandates a minimum required side yard setback of 5 feet and the Applicant, therefore, requires bulk variance relief permitting a reduction in the minimum required side yard setback to the pool and surrounding decking in accordance with N.J.S.A. 40:55D-70(c); and

WHEREAS, the fence installed along the Northern/side Property line was increased in height to 8 feet, where Ordinance § 113-442(b) provides that no fence shall exceed six feet in height above the adjacent ground level and the Applicant, therefore, requires bulk variance relief permitting an increase in the maximum permitted fence height in accordance with N.J.S.A. 40:55D-70(c); 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 September 3, 2026, which report is 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, September 9, 2026 with the following members being present: Mayor Robert Jakubowski; Commissioner David Alemi; Acting Chairman, Dan Gaspari; James Rossell, Jr.; Michael Sullivan; Kevin Moran; and Jodi Clark, Craig Reilly, PE, 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 upon which the Board relied, in part, in rendering its decision in this matter:

- a. Borough of Audubon Land Development Application dated July 9, 2026.
- b. Application summary consisting of two (2) pages.
- c. Property Survey prepared by Steven R. Kelly, P.L.S., P.P. dated November 20, 2024 titled "Map Showing Survey Situate In Borough of Audubon, County of Camden, N.J., 280 South Barrett Avenue."
- d. Property Survey prepared by Steven R. Kelly, P.L.S., P.P. dated September 21, 2017 titled "Map Showing Survey Situate In Borough of Audubon, County of Camden, N.J., 280 South Barrett Avenue."
- e. Notice of Violation and Order to Terminate dated July 10, 2024.
- f. Notice of Violation and Order to Terminate dated May 20, 2026.
- g. Resolution Number 2018-10 dated March 14, 2018.
- h. Proofs of Service and Publication of Public Notice.

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

WHEREAS, at the time of the public hearing on the application, the Applicant submitted additional exhibits which were duly marked and entered into evidence as follows:

- Exhibit A-1: Summary of arguments for relief sought consisting of six (6) pages.
- Exhibit A-2: Photograph of pergola.
- Exhibit A-3: Property Survey prepared by Steven R. Kelly, P.L.S., P.P. dated November 20, 2024 titled "Map Showing Survey Situate In Borough of Audubon, County of Camden, N.J., 280 South Barrett Avenue" annotated by the Applicant to show location of northern fence.
- Exhibit A-4: Photograph of street view of Property from Pine Street.
- Exhibit A-5: Photograph of adjacent property side yard.
- Exhibit A-6: Photograph of fence depicting fence supports located on adjacent property.
- Exhibit A-7: Photograph of overgrowth on adjacent property.

WHEREAS, at the time of the public hearing on the application, the Board Solicitor and Board Engineer presented exhibits, which were duly marked and entered into evidence as follows:

Exhibit B-1: Aerial photograph of Property from 2026

Exhibit B-2: Series of aerial photographs of the Property consisting of eight (8) aerial photographs from May 2016; July 2017; February 2019; August 2020; September 2022; June 2023; October 2024; and June 2026.

WHEREAS, appearing at the public meeting to testify on behalf of the application was the Applicant, Justin Adamczyk-DeLarge, who 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 is present with respect to this application because of his own poor judgment.
2. The Applicant did not follow the process of obtaining permits and approvals before constructing the improvements in the back yard.
3. The Applicant apologizes for his after-the-fact presentation.
4. The Applicant is a normal citizen who coaches three (3) soccer teams and sometimes holds gatherings for his players in his back yard.
5. The Applicant raised the height of the fence from six feet (6') to eight feet (8') to prevent people accessing the pool from the adjacent elevated deck from falling into the adjacent property.

6. The Applicant acknowledged that Exhibit A-6 demonstrates that support for the fence and pergola were installed on the adjacent property as also reflected on the survey submitted with the application.
7. The Applicant installed the elevated deck surrounding the pool to make it easier to access the pool.
8. The pool is the type of pool that can be taken down annually, although the deck constructed around the pool makes that difficult.
9. The pergola has electric service and, if required to relocate the pergola, it would be difficult and costly.
10. The Applicant acknowledged that in 2018 he appeared before the Board after having installed a nonconforming fence without the required permits or approvals.
11. The fence height was raised along the northern Property line.
12. To the extent any portions of the fence or fence supports are located outside the bounds of the Property on adjacent properties, the Applicant will relocate those portions of fencing to ensure that they are located entirely on the Property.
13. Notwithstanding the improvements to the yard, the Property remains compliant with impervious coverage requirements.
14. The fence is beneficial to the Applicant because the adjacent property is poorly maintained, has lots of overgrowth and the fence effectively blocks the view from those issues.
15. The Applicant is agreeable to providing a grading plan within sixty (60) days from approval should the variance for the pool and pool decking be granted.

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

- Gary Herman of 222 East Pine Street, Audubon, New Jersey appeared to voice his support for the Applicant. Mr. Herman testified that he has lived across the street from the Property for nineteen (19) years and that he appreciated the upgrades the Applicant has made to the Property. Mr. Herman further testified that he had no issues with obstructions or sight lines as a result of the improvements to 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

WHEREAS, the Board determined to vote on each aspect of variance approval separately; and

WHEREAS, upon Motion duly made by Dan Gaspari to approve the bulk variance permitting the pergola to be located 1.54 feet from the side Property line, which motion was duly seconded by Kevin Moran, the Joint Land Use Board of the Borough of Audubon unanimously approved this aspect of 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:	Yes
Commissioner Alemi:	Yes

Dan Gaspari:	Yes
James Rossell, Jr:	Yes
Michael Sullivan:	Yes
Kevin Moran:	Yes
Jodi Clark:	Yes

WHEREAS, upon Motion duly made by Dan Gaspari to deny the bulk variance permitting the pool and surrounding elevated deck to be located 1.54 feet from the side Property line, which motion was duly seconded by Jodi Clark, the Joint Land Use Board of the Borough of Audubon unanimously denied this aspect of the application by a vote of seven in favor of denial and zero opposed (7-0) based upon the sworn testimony of the Applicant and the Applicant's submission materials.

The voting on the application was as follows:

Mayor Jakubowski:	Yes
Commissioner Alemi:	Yes
Dan Gaspari:	Yes
James Rossell, Jr:	Yes
Michael Sullivan:	Yes
Kevin Moran:	Yes
Jodi Clark:	Yes

WHEREAS, upon Motion duly made by Michael Sullivan to approve the bulk variance permitting fencing in excess of the maximum permitted height, which motion was duly seconded by Mayor Jakubowski, the Joint Land Use Board of the Borough of Audubon approved this aspect of the application by a vote of six in favor of approval and one opposed (6-1) based upon the sworn testimony of the Applicant and the Applicant's submission materials.

The voting on the application was as follows:

Mayor Jakubowski:	Yes
Commissioner Alemi:	Yes

Dan Gaspari:	Yes
James Rossell, Jr:	No
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, 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, have standing to pursue the variance relief described herein.
3. The Applicant seeks bulk variance relief from Ordinance § 113-444(2)(a)(2) permitting a side yard setback to the pergola accessory structure of 1.54 feet where a minimum of five feet (5') is required.
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 permitting a side yard setback to the pergola accessory structure of 1.54 feet described herein based on the fact that, while the structure includes a roof, it is a transparent roof and less obtrusive than a traditional accessory shed or garage and, therefore, that the relief can be granted without substantially impairing 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 seeks bulk variance relief from Ordinance § 113-444(2)(a)(2) permitting a side yard setback to the pool and surrounding decking accessory structure of 1.54 feet where a minimum of five feet (5') is required.

6. The Applicant has failed to demonstrate to the satisfaction of the Board that the requested variance for the pool and decking would satisfy N.J.S.A. 40:55D-70(c)(1) or (2) and have failed to demonstrate that the relief can be granted without substantially impairing the intent and purpose of the zone plan and zoning ordinance and without there being a substantial detriment to the public good, in light of the Applicant's acknowledgement that the close proximity of such structures to the adjacent lot line presented the danger of a person on the deck falling into the adjacent property.

7. The Applicant seeks bulk variance relief from Ordinance § 113-442(b) permitting a fence height of eight feet (8') along the northern Property line in the area depicted on the survey submitted with the application, which is attached hereto as Exhibit A, where a maximum of six feet (6') is permitted.

8. 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 permitting a fence height of eight feet (8') as described herein and has demonstrated 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.

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

10. The Joint Land Use Board of the Borough of Audubon grants approvals for the bulk variances permitting a reduction in the side yard setback to the pergola of 1.54 feet and permitting a fence height of eight feet (8') and denies approval of the variance sought with respect to the setback to the pool and surrounding deck.

NOW THEREFORE BE IT RESOLVED that the application of Justin Adamczyk-DeLarge for bulk variance approvals as described herein is hereby approved in part and denied in part as detailed herein.

BE IT FURTHER RESOLVED that the approvals granted herein 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; (c) the Applicant relocating any and all fencing and supporting structures and any other facilities situated outside of the bounds of the Property so that they are located entirely on the Property.

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.

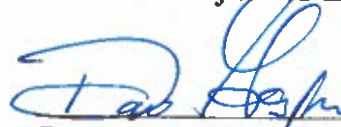
BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to the Applicant following its adoption.

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 September 9, 2026.

The effective date of this Resolution shall be October 14, 2026.

AUDUBON JOINT LAND USE BOARD

Dated: October 14, 2026



DAN GASPARI, ACTING-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 September 9, 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 October 14, 2026.

Dated: October 14, 2026



STEPHANIE JENNETTA, SECRETARY

BOROUGH OF AUDUBON JOINT LAND USE BOARD
NOTICE OF DECISION

PLEASE TAKE NOTICE that, on September 9, 2026, the Borough of Audubon Joint Land Use Board approved certain bulk variances and denied a bulk variance with respect to the application of Justin Adamczyk DeLarge concerning the property located at 280 South Barrett Avenue, Audubon, New Jersey, which property is designated on the Tax Map of the Borough of Audubon as Block 13, Lot 14. The variances approved permits a reduction in the minimum required side yard setback to a pergola and an excess over the maximum permitted fence height. The variance which was denied requested relief for side yard setback to a pool and associated decking.

The Borough of Audubon Joint Land Use Board adopted Resolutions 2026-12 on October 14, 2026 memorializing the decisions of the Joint Land Use Board. The Resolution, application, and all application materials are on file and available for public inspection during regular business hours at the Board's office in the Borough of Audubon Municipal Building, 606 West Nicholson Road, Audubon, New Jersey 08106.

MADDEN & MADDEN, P.A.

BY: *Matthew P. Madden*

MATTHEW P. MADDEN, ESQUIRE, SOLICITOR,
BOROUGH OF AUDUBON JOINT LAND USE BOARD

Dated: October 16, 2026