IN THE MATTER OF THE APPLICATION OF **100 CHESTNUT DEVELOPMENT LLC** **FOR A USE VARIANCE AND BULK VARIANCE FOR THE PROPERTY LOCATED AT** **100 CHESTNUT STREET BLOCK 74 – LOT 4**	**BOROUGH OF AUDUBON JOINT LAND USE BOARD RESOLUTION OF MEMORIALIZATION** **RESOLUTION NUMBER 2026-13**

WHEREAS, 100 Chestnut Development LLC, whose address is 326 Kings Highway East, Haddonfield, New Jersey 08033, hereinafter referred to as the "Applicant" is the owner of the property located at 100 Chestnut Street, Audubon, New Jersey, which property is designated on the Tax Map of the Borough of Audubon as Block 74, Lot 4, hereinafter referred to as the "Property",

WHEREAS, the Applicant was represented by Damien O. Del Duca, Esquire of the Del Duca, Lewis & Berr, LLC Law Firm, with offices located at 21 East Euclid Avenue, Suite 100, Haddonfield, New Jersey 08033; and

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

WHEREAS, the Property consists of a corner lot, located at the southwest corner of Chestnut Street and West Atlantic Avenue, which has 34.33 feet of frontage on Chestnut Street and 105 feet of frontage on West Atlantic Avenue, and an overall area of 3,605 square feet, upon which is situate a two-story, brick building with a footprint area of approximately 1,617 square feet; a rear wooden stairway leading to the second floor; walkways and associated site

improvements, which Property contains a vacant commercial space on the first floor, formerly used as an organ repair shop, and a residential apartment on the second floor , and

WHEREAS, the Property contains preexisting, nonconforming conditions, *to wit*, the front yard setback on Chestnut Street is 5.18 feet where Ordinance § 113-382(3)(b)(1) requires a minimum front yard setback of 20 feet; the front yard setback on West Atlantic Avenue is 9.67 feet where Ordinance § 113-382(3)(b)(1) requires a minimum front yard setback of 20 feet; the lot area is 3,605 square feet where Ordinance § 113-382(3)(a)(2)(i) requires a minimum lot area of 10,000 square feet; the lot width is 34.33 feet where Ordinance § 113-382(3)(a)(2)(ii) requires a minimum lot width of 75 feet; the side yard setback is 0 feet where Ordinance § 113-382(3)(b)(2) requires a minimum side yard setback of 5 feet; the building coverage is 45% where Ordinance § 113-382(3)(c)(1) permits a maximum building coverage of 25%; the lot coverage is 58.3% where Ordinance § 113-382(3)(c)(2) permits a maximum lot coverage of 40%; and there are no on-site parking spaces where the Ordinance requires off-street parking be provided; and

WHEREAS, the Applicant proposes to renovate and reconfigure the existing building to contain four (4) residential apartment units, two (2) two-bedroom units and two (2) one-bedroom units, along with proposing alterations to the front (Chestnut Street) façade of the building; the construction of a new rear stairway; construction of a trash area; installation of a new fence in the rear yard; and the installation of associated site improvements, and

WHEREAS, Ordinance §113-382(1), which enumerates the permitted uses in the R Zoning District, does not expressly permit the use of the Property for four (4) residential apartment units and the Applicant's proposal, therefore, requires use variance relief in accordance with N.J.S.A.

40:55D-70(d); 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 a report dated 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, October 14, 2026 with the following members being present: Mayor Robert Jakubowski; Commissioner David Alemi; Chairman David Thompson; Vice-Chairman, Mark Owens; Steve Connelly; Dan Gaspari; Paul Hartstein; James Rossell, Jr.; 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 Lisa Bauman, Acting Secretary for the Joint Land Use Board; and

WHEREAS, Mayor Jakubowski and Commissioner Alemi recused themselves from the hearing and vote on the application based upon the nature of the application and their respective positions as Class 1 and Class 3 Members of the Joint Land Use Board; and

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

a. Cover letter from Damien O. Del Duca, Esquire dated August 7, 2026.

b. Summary of Application.

c. Borough of Audubon Land Development Application dated July 17, 2026.

d. List of Submission Waivers Requested prepared by Clifton W. Quay, P.E., P.P. dated March 3, 2026.

e. Trip Generation Analysis prepared by Adam Catherine, P.E., P.T.O.E. dated July 30, 2026 consisting of three (3) pages.

f. Audubon Borough Land Development Checklist.

g. Four (4) color photographs of existing conditions at the Property.

h. Five (5) color architectural renderings of proposed improvements.

i. Architectural Plans prepared by Thomas B. Wagner, Architect dated June 2, 2026 consisting of the following seven (7) sheets:

1. Basement Floor Plan.
2. First Floor Plan.
3. Second Floor Plan.
4. Rear Elevation.
5. Front Elevation.
6. Right Elevation.
7. Left Elevation.

j. Commitment for Title Insurance issued by Spire Abstract dated February 25, 2026.

k. Boundary & Topographic Survey prepared by Edward S. McConnell of Stantec dated July 31, 2026.

l. Site Plan package entitled Use Variance/Minor Site Plan prepared by Clifton W. Quay, P.E., P.P. of Stantec dated July 31, 2026 consisting of the following three (3) sheets:

G-001: General Information Plan
C-101: Existing Conditions & Demolition Plan
C-102: Site & Grading Plan

m. Proofs of service and publication of public notices.

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

Exhibit A-1: Aerial photograph of Property and surrounding environs.
Exhibit A-2: Five (5) color architectural renderings of proposed improvements
Exhibit A-3: Site & Grading Plan prepared by Clifton W. Quay, P.E., P.P. of Stantec dated July 31, 2026

Exhibit A-4: Plans showing "Plan Below Deck Area" and Plan of Deck Area Above."

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

WHEREAS, appearing at the public meeting to testify on behalf of the application were Jordan Brand, authorized member of the Applicant; Clifton W. Quay, P.E., P.P., project engineer/planner; and Thomas B. Wagner, R.A., project architect, who were each duly sworn and qualified as experts in their respective fields, along with the Board Engineer, and responded to the questions from their counsel and the members of the Joint Land Use Board and Board professionals, and

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

1. Exhibit A-1 is an aerial photograph of the Property and surrounding properties.
2. The Property currently contains a two-story, multi-tenant building.
3. The most recent uses at the Property are an organ repair show on the first floor, which is not a use permitted in the R Zone, and a three-bedroom apartment on the second floor.
4. The Applicant seeks approvals to convert the second floor apartment into two (2) apartment units, one (1) of which will be a one-bedroom apartment and one (1) of which will be a two-bedroom apartment, and to convert the first-floor commercial space into two (2) apartment units, one (1) of which will be a one-bedroom apartment and one (1) of which will be a two-bedroom apartment.

5. The end result will be two (2) one-bedroom apartments and two (2) two-bedroom apartments.
6. The Applicant is not proposing a lot of changes to the site or building aside from aesthetic improvements.
7. The proposal will not result in any alterations to the footprint of the existing building.
8. The R Zone permits several types of uses, including two-unit dwellings, but does not expressly permit the use proposed by the Applicant.
9. The Applicant is seeking a D(1) use variance along with minor site plan approval and approval for a deviation from R.S.I.S. standards for parking.
10. The existing conditions at the Property require four (4) off-street parking spaces but there are no parking spaces on the Property and no room on the Property for parking spaces.
11. The proposed use will require eight (8) parking spaces where no parking spaces will be provided.
12. There is an existing ten foot (10') wide access easement running along the which runs along the southern (rear) lot line, which decreases the useable area of the portion of the Property not occupied by the building.
13. The Applicant does not anticipate there being any real impact on traffic as a result of the proposed use of the Property.
14. There are other apartment buildings in close proximity to the Property and, therefore, the proposed use would not be inconsistent with the area.

15. The Applicant will be making the Property more conforming than it is today by removing the nonconforming commercial use.
16. The Applicant has reviewed the letter prepared by the Board Engineer and has no objections to complying with the terms and conditions set forth therein.
17. Exhibit A-2 consists of five (5) color renderings of the proposed façade; Exhibit A-3 is the Site Plan previously submitted and Exhibit A-4 shows the proposed changes to the rear deck area and trash area below the rear deck.
18. Thomas Wagner prepared the architectural plans submitted with the application.
19. The existing building is a brick building which is between 80 and 90 years old.
20. The brick façade on the building will remain but be restored.
21. All windows will be replaced and the roof will be repaired or replaced.
22. The Applicant plans on removing the existing aluminum façade on the Chestnut Street frontage of the building and restoring the original brackets on the upper cornice.
23. The small roof on the front façade which wraps around the side will be replaced with a new metal roof.
24. The existing storefront windows on the first floor will be replaced with new residential style windows.
25. Each apartment will have its own front door because the existing building has four (4) separate doors which can be used for direct access to each of the four (4) proposed apartment units.
26. The Applicant will be adding landscaping and lighting to the Property.

27. The rear deck will be replaced and will be an amenity for the second floor rear apartment unit.
28. The inside of the building will be gutted to the studs and the Applicant will be installing new framing; new HVAC units; new bathrooms; and new kitchens for each unit.
29. The building is particularly suitable for the proposed use and the ground floor is particularly suitable as residential apartments because there are more residences than anything else in the area.
30. Exhibit A-3 shows that there are four (4) existing doors which the Applicant will use to provide direct access to each of the four (4) proposed apartments.
31. The Applicant proposes to enlarge the rear deck area and provide for a trash area below the rear deck in addition to placing the HVAC units in that area, as depicted on Exhibit A-4.
32. The Applicant will remove the existing fence in the rear yard and install a new, cedar, board-on-board fence to enclose the rear yard area.
33. The steps to the rear deck will be reconfigured because, in the present configuration, they do not meet code and, in order to meet code, the steps will wrap around the rear deck.
34. The Applicant will plan foundational plantings and will submit a landscaping plan to the Board Engineer for his review and approval.
35. With respect to buffering, there is a ten-foot (10') wide easement in the back which the Applicant is not allowed to plant in, but the new fence will act as a buffer and the existing tree in the backyard will remain.

36. The basement will serve as a utility room for the building.
37. The backyard will be a common area for use by all residents of the building and access will be provided to the trash area below the deck via a common sidewalk.
38. The Applicant proposes that the trash area will contain one (1) residential scale trash can and one (1) residential scale recycling can for each of the four (4) apartment units.
39. With respect to trash services, the Applicant is willing to do whatever the Borough requires, whether that be using public trash removal services or a private hauler.
40. The only change to the footprint of the building will result from the expansion of the rear deck.
41. The proposal, which includes significant upgrades to the Property and a significant aesthetic improvement, advances the purpose of the Municipal Land Use Law to promote a desirable visual environment through creative development techniques.
42. Housing is sorely needed for the younger generation who are unable to purchase a single-family residence.
43. Apartments are common in the area and there is an eighteen-unit apartment building directly across the street.
44. The configuration, size and layout of the building are particularly suitable for the conversion to four (4) apartment units.
45. The proposal constitutes the adaptive reuse of an existing building.
46. Almost any use you put at the Property will require relief from Borough parking requirements.

47. The last page of Exhibit A-2 shows the two (2) properties to the right of the Property on Chestnut Street, which are two-story structures which each have residential units both upstairs and downstairs.
48. The four (4) apartments will not change the character of the neighborhood.
49. The proposed use will not adversely affect traffic in the area.
50. The proposed use will not substantially impair the intent and purpose of the zoning ordinance because the zone permits twin homes, the proposed use is not much different than a twin home, and there are many apartments in the general area.
51. As configured now, the building requires four (4) parking spaces but the proposed use will require eight (8) parking spaces.
52. The R.S.I.S. allows for consideration of on-street parking as a means of satisfying or partially satisfying parking requirements if it is determined that on-street parking is available.
53. The area of West Atlantic Avenue adjacent to the Property includes approximately seventy feet (70') of on-street parking, which would allow for the parallel parking of three (3) vehicles.
54. Along the Chestnut Street frontage of the Property, there is approximately twenty-four feet (24') available for on-street parking.
55. When the Applicant's engineer/planner visited the Property, all of the parking spaces along West Atlantic Avenue were available.

56. Across Atlantic Avenue, on the other side of the train tracks, thirty-eight (38) public parking spaces were recently lined in the location adjacent to the train tracks.
57. The Apartment building across the street with eighteen (18) units has seventeen (17) off-street parking spaces available to its tenants.
58. There is adequate available on-street parking to accommodate the eight (8) parking spaces required for the Applicant's proposal.
59. The Applicant will comply with the Borough's affordable housing requirements and ordinance.

WHEREAS, the meeting was opened to the public and the following members of the public, each of whom was duly sworn, appeared to provide comments on the application and/or to question the Applicant:

- Susan Collier of 410 West Atlantic Avenue, Audubon, New Jersey appeared to voice her concerns with the Applicant's proposal. Ms. Collier testified that parking is a problem in the area and that it was obvious that none of the gentlemen presenting the application lived in the area because they would be aware of that fact if they did. Ms. Collier testified that the last tenant at the Property had five (5) cars; that people tend to park in a manner that blocks in her driveway; that people park in front of fire hydrants due to the unavailability of parking; and that people are always arguing about parking in the area.
- Julia Harbora of 418 West Atlantic Avenue, Audubon, New Jersey appeared to voice her concerns with the Applicant's proposal. Ms. Harbora testified that she has lived in Audubon for 58 years, that West Atlantic Avenue and East Atlantic Avenue used to be one-way roads with

one going one way and the other going the other way, and that since the Borough altered those streets to be two-way traffic, cars have to weave in and out in order to get down the street and that trying to find parking in the area is excruciating. Ms. Harbora further testified that years ago, not every person had a car but that now every family has a couple of cars. Ms. Harbora further testified that the public parking area across Atlantic Avenue was always full and that she objected to the approval of the application.

- Glen Hare of 106 Chestnut Street, Audubon, New Jersey appeared to voice his concerns with the Applicant's proposal. Mr. Hare testified that he is the owner of Audubon Hardware, which is located a couple of doors down from the Property; that there have been parking wars in the area the entire time he has operated the hardware store; and that, presently, his customers have a hard time finding parking. Mr. Hare testified that the apartment building across the street with eighteen (18) apartment units has sixteen (16) garages available for tenant parking but that most tenants had two (2) cars, which impacts availability of parking in the area. Mr. Hare further testified that there are also two (2) duplexes and one (1) triplex in close proximity to the Property which impacts the availability of parking in the area; that police are there all the time to enforce parking regulations; and that the present proposal, with its parking demand, would negatively affect his business.

- William Jensen of 323 East Atlantic Avenue, Audubon, New Jersey appeared to voice his concerns with the Applicant's proposal. Mr. Jensen testified that he operates a business across the street called "Luke's Place," which provides services for adults with special needs. Mr. Jensen initially inquired where the required eight (8) parking spots will be located and was

advised by the Applicant's Engineer that all the Applicant could do was look for available parking in the area. Mr. Jensen testified that he would be ok with two units being constructed, but that four (4) units, and its associated parking requirements, would be a detriment to the community.

- Ann Lyons of 309 East Atlantic Avenue, Audubon, New Jersey appeared to voice her concerns with the Applicant's proposal. Ms. Lyons testified that the streets have become more narrow as a result of the installation of the trail; that parking is already a nightmare in the area; and that the neighborhood did not need any more cars at the Property.

WHEREAS, there being no further members of the public who wished to comment on the application or question the Applicant, the public portion of the meeting was closed.

WHEREAS, in response to the public commentary, the Applicant's counsel indicated that all of the comments he heard related to parking; that what the Applicant is proposing will not affect parking at all; that the occupancy load for the building was not getting any bigger; that the Applicant could legally construct a twin home at the Property with three (3) bedrooms in each of the twin units, thereby having the same number of bedrooms as presently proposed; and that the amount of people and cars will not change in any meaningful way. Moreover, counsel indicated that the building will have to be used for something; that parking relief will be needed no matter what is developed at the Property; and that the parking relief sought will not result in a substantial impairment of the zone plan or zoning ordinance or a substantial detriment to the public good; and

WHEREAS, the Board Engineer sought clarification from the Applicant's representatives with respect to Counsel's position regarding the parking demand for a twin home being consistent with the parking demand for the proposed four (4) apartment units; and

WHEREAS, the Applicant's engineer/planner testified that there were a number of parking scenarios that could result from four (4) apartment units or the construction of twin home but that the applicable R.S.I.S. standard requires eight (8) parking spaces for the proposed apartment units and four (4) parking spaces if a twin home were constructed; and

WHEREAS, the application was reviewed and discussed at length at the meeting, and

WHEREAS, upon Motion duly made by Paul Hartstein to deny the application, which motion was duly seconded by Steve Connelly, the Joint Land Use Board of the Borough of Audubon denied the application by a vote of six in favor of denial and one opposed (6-1) based upon the failure to meet the standards set forth in the Municipal Land Use Law, as detailed in the findings of fact and conclusion of law herein, the sworn testimony of the Applicant, the Applicant's submission materials and exhibits, and the sworn testimony of the members of the public.

The voting on the application was as follows:

Mayor Jakubowski:	Recused/Abstained
Commissioner Alemi:	Recused/Abstained
David Thompson:	No
Mark Owens:	Yes
Steve Connelly:	Yes
Dan Gaspari:	Yes
Paul Hartstein:	Yes
James Rossell, Jr.:	Yes
Kevin Moran:	Yes
Jodi Clark:	Abstained

WHEREAS, The Joint Land Use Board of the Borough of Audubon makes the following findings of fact and conclusion of law with respect to the use variance and bulk variances, 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 has standing to pursue the approvals described herein.

3. The Applicant seeks use variance relief pursuant to N.J.S.A. 40:55D-70(d) permitting the renovation of the Property to contain four (4) residential apartment units as described herein and in the Applicant's submission materials, exhibits and testimony.

4. The Applicant seeks an exception from the Residential Site Improvement Standards with respect to parking requirements and proposes the provision of zero (0) on-site parking spaces where the R.S.I.S. requires eight (8) parking spaces.

5. The Applicant has failed to demonstrate the requisite proofs in accordance with the Municipal Land Use Law and the Borough of Audubon land development ordinance for the granting of the use variance and bulk variance requested herein. Specifically, the Applicant has not demonstrated that the variances can be granted without there being a substantial detriment to the public good.

6. The proposal to have zero (0) off-street parking spaces where eight (8) are required will operate to overwhelm the public parking in the area, which already suffers from a lack of parking for the nearby uses and, thereby, would be a substantial detriment to the public good and the

Applicant has failed to satisfy the negative criteria applicable to the consideration of both the use variance and bulk variance as a result.

7. The fact that the Applicant in unable to accommodate on-site parking or demonstrate to the satisfaction of the Board that on street parking is available in the general area of the Property, evidences that the Property is not particularly suitable for the proposed use and, as a result, the Applicant has failed to establish the special reasons or positive criteria for the grant of use variance relief.

8. The Joint Land Use Board of the Borough of Audubon denies approval of the requested use variances and bulk variance based on the foregoing.

NOW THEREFORE BE IT RESOLVED that the application of 100 Chestnut Development LLC for use variance relief and bulk variance relief as more specifically described herein is hereby DENIED as noted above.

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 October 14, 2026.

The effective date of this Resolution shall be November 5, 2026.

AUDUBON JOINT LAND USE BOARD

Dated: November 5, 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 October 14, 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 November 5, 2026.

Dated: November 5, 2026

LISA BAUMANN, SECRETARY