

## **BOROUGH OF BELLMAWR JOINT LAND USE BOARD**

### **RESOLUTION NO. 2025-4 GRANTING MAJOR SUBDIVISION FOR THE PROPERTY LOCATED AT BLOCK 78, LOT 4**

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At a duly noticed meeting of the Borough of Bellmawr Joint Land Use Board, held in person on February 3, 2025, at 7:00 P.M., the Board Secretary confirmed a quorum of the Board was present to vote on the application of Big Timber Junction, LLC, whose address is 100 Essex Avenue, Suite 204, Bellmawr, New Jersey. The property at issue is known as Block 78, Lot 4, in the Borough of Bellmawr, New Jersey (hereinafter, the "Property"). The Applicant sought a major subdivision of the land as described more fully below; and

Also present on behalf of the Board were:

Tina Johnson, Board Recording Secretary  
Daniel J. McCann, Esq., Board Solicitor  
Steven M. Bach, PE, RA, PP, CME, Board Planner & Engineer  
Nicholas Bishop, PE, CME, Board Engineer; and

**WHEREAS**, the Board considered the application of Big Timber Junction, LLC, whose address is 100 Essex Avenue, Suite 204, Bellmawr, New Jersey (the "Applicant").

**WHEREAS**, the owner of the subject property is Conal, LLC, whose address is 712, Creek Road, Bellmawr, New Jersey.

**WHEREAS**, the subject property is the existing parcel of land (lot 4) located on the southerly side of Creek Road and being adjacent to Deptford Township. The Applicant seeks to

create three (3) new lots (Lot(s) 4, 4.01, and 4.02). Proposed Lot 4 will contain two (2) existing commercial buildings, a bituminous parking lot and associated site improvements and has frontage along Creek Road. Proposed Lot 4.01 will be a vacant lot with frontage along the proposed waterfront development connector road and a portion of Creek Road. And proposed Lot 4.02 will be the right of way for the proposed waterfront development connector road.

**WHEREAS**, in addition to the major subdivision, the Applicant requested several waivers as outlined in the Board's Engineer Report, dated January 27, 2025, (hereinafter, the "Engineer Report").

**WHEREAS**, on February 3, 2025, the Applicant was represented by counsel, Donald A. Nogowski, Esq. of Earp Cohn, P.C. At the hearing, Samuel Renauro, III, PE, PP, of SR3 Engineers, LLC, testified as an expert witness on behalf of the application.

**WHEREAS**, the Applicant's experts provided testimony establishing that the Board's approval of the subdivision was contingent upon the following conditions: (1) the subdivision will not alter the existing tidelands; (2) an update of the riparian grant, as the Applicant has submitted an application for a riparian grant for the property and will promptly update the Borough on the status of that application—furthermore, as the escrow amounts associated with the application were unknown at the time of the hearing, the Applicant will provide the Board with an update once those amounts are determined; (3) the Applicant will submit drafted deeds reflecting the subdivision for review and will obtain written approval from both the Board Solicitor and Board Engineer prior to executing and recording the deeds; (4) should the Applicant or the property owner seek any modifications to the approved subdivision, they must return to the Board for formal

approval; and (5) the Applicant must execute an indemnity and hold harmless agreement in favor of the Borough, shielding it from any legal claims or disputes related to riparian rights or the subdivision — this agreement shall be prepared by the Board’s Solicitor and must be fully executed before the resolution receives final approval.

**WHEREAS**, the Board, after considering the testimony of the Applicant’s expert, and having reviewed the application and attachments submitted by the Applicant’s Attorney and Engineer, and having opened the matter up to public comment, made the following findings of fact and conclusions of law:

1. The Application was filed and processed in accordance with the requirements of the Municipal Land Use Law (MLUL).
2. The Applicant’s expert was sworn in and gave detailed testimony supporting merits for relief.
3. The Applicant’s Engineer displayed a map of the proposed subdivision, “Exhibit 1”.
4. The Board asked the Applicant about the existing riparian grant, to which the Applicant did not have any updates. The Applicant did not know if there was any escrow being held for the riparian application. The Applicant agreed to sign a release and hold harmless to protect the Borough of Bellmawr from any and all litigation, damages, or losses due to the subdivision or riparian claims on the lands.
5. The Board’s Engineers were sworn in and discussed their Engineer Report. The Board Engineers requested the Applicant submit the drafted deeds to the Board Engineer and

Board Solicitor and have them be approved in writing by the Board Engineer and Board Solicitor prior to being signed and recorded. The Applicant's attorney approved this condition.

6. The Applicant agreed to comply with all requests made in the Engineer Report.

7. The Board Engineers discussed on the record that they had no objections to the request by the Applicant. The Board Engineers stated all points raised in their letter were addressed by the Applicant.

8. The Applicant's attorney agreed that if there are any changes to the plans that were submitted with application or any changes requested by the Applicant or Owner of the Property that they will come back before the Board requesting the new relief.

9. The meeting was opened to the public and no public comment was made.

10. The Board found the testimony of Applicant's expert was credible and compelling.

**NOW, THEREFORE, BE IT RESOLVED by the Borough of Bellmawr Joint Land Use Board that the application of Timber Creek, LLC, seeking Major Subdivision and waivers, be hereby GRANTED:**

The Board concludes to grant the requests by the Applicant. The Board finds the Applicant satisfied the burden of proof to warrant the approval based upon all of the evidence marked into the record during the course of the hearings and for all of the reasons put on the record by the Applicant and their experts.

This grant of approval is also conditioned as follows: (1) the Applicant must satisfy all the requests and comments in the Engineer Report, (2) must obtain all applicable permits and approvals from all applicable State and local officials and agencies, including but not limited to

the Borough's Construction Official, Fire Marshal and Police Department, as the law requires; (3) the subdivision will not alter the existing tidelands; (4) the Applicant has submitted an application for a riparian grant for the property and will promptly update the Borough on the status of that application—furthermore, as the escrow amounts associated with the application were unknown at the time of the hearing, the Applicant will provide the Board with an update once those amounts are determined; (5) the Applicant will submit drafted deeds reflecting the subdivision for review and will obtain written approval from both the Board Solicitor and Board Engineer prior to executing and recording the deeds; (6) should the Applicant or the property owner seek any modifications to the approved subdivision, they must return to the Board for formal approval; and (7) the Applicant must execute an indemnity and hold harmless agreement in favor of the Borough, shielding it from any legal claims or disputes related to riparian rights or the subdivision — this agreement shall be prepared by the Board's Solicitor and must be fully executed before the resolution receives final approval.

## **ROLL CALL VOTE**

Motion was made and seconded to approve the request sought by Applicant. On the Motion to approve, the Board voted to grant the approval as follows:

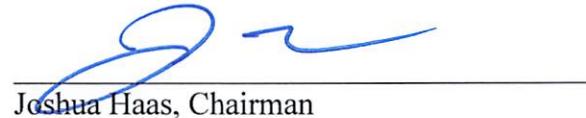
	<b>Yes</b>	<b>No</b>
Joshua C. Haas (Chair)	X	
Mark DeBerardinis	X	
John Scarborough	X	
Ray Staszak	X	
Emil Andrae	X	
Phil Mullen	X	
Bob Bauman	X	

Mayor Charles Sauter  
Councilman Craig Wilhelm

X  
X

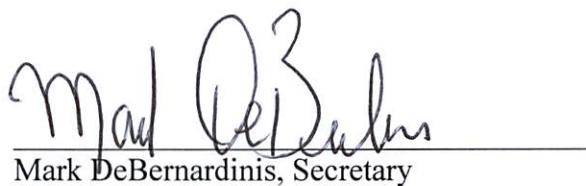
The foregoing is a true copy of the Resolution adopted by the Borough of Bellmawr Joint Land Use Board at a duly noticed meeting on March 3, 2025, memorializing the action of the Board taken at its meeting on February 4, 2025.

Dated: March 4, 2025



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Joshua Haas, Chairman

Dated: March 4, 2025



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Mark DeBernardinis, Secretary