

BOROUGH OF BELLMAWR JOINT LAND USE BOARD

RESOLUTION NO. 2025-2

**GRANTING MINOR SUBDIVISION, MINOR SITE PLAN, AND USE VARIANCE
FOR THE PROPERTY LOCATED AT
HALL AVENUE
BLOCK 173.04, LOT 5**

At a duly noticed meeting of the Borough of Bellmawr Joint Land Use Board, held in person on March 3, 2025, at 7:00 P.M., the Board Secretary confirmed a quorum of the Board was present to vote on the application of National Delivery Systems, whose address is 6990 Columbia Gateway Drive, Suite 360, Columbia, ND 21046. The property at issue is known as Hall Avenue, Block 173.04, Lot 5, in the Borough of Bellmawr, New Jersey (hereinafter, the “Property”). The request for the Board’s consideration was a use variance at the Property as described more fully below; and

Also present on behalf of the Board were:

Tina Johnson, Board Secretary
Daniel J. McCann, Esq., Board Solicitor
Nicholas Bishop, PE, CME, Board Engineer; and

WHEREAS, the Board considered the application of National Delivery Systems, whose address is 6990 Columbia Gateway Drive, Suite 360, Columbia, ND 21046 (the “Applicant”).

WHEREAS, the owner of the Property is CIVF VI — NJ2M01, LLC, whose address is Once Beacon Street, Suite 2800, Boston, MA 02108.

WHEREAS, the Applicant is a for minor subdivision, minor site plan and use variances and waivers for approval to permit parking and trucking trailer storage on an existing vacant lot. The 1.41 acre lot is located on the Westerly Side of Hall Avenue between Heller Road and Creek Road and is located in the Recreational Zoning District.

WHEREAS, the Applicant submitted their application on December 3, 2024.

WHEREAS, the Board's Engineer provided a detailed report (hereinafter, the "Engineer Report").

WHEREAS, on March 3, 2025, the Applicant was represented by counsel, Michael V. Phillips, Esq., the Applicant retained Sam Renault, PE, for expert testimony as well as Cormac Morrissey, Planner.

WHEREAS, the Applicant's experts were sworn in and provided extensive testimony establishing the merits for approval of the relief.

WHEREAS, the Applicant sought to deed the northern portion of the property from the subdivide to the Borough.

WHEREAS, the Board, after considering the testimony of the Applicant's experts, and having reviewed the application and attachments submitted by the Applicant's Attorney 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 experts were sworn in and gave detailed testimony supporting merits for relief. The Applicant's Attorney opened the application with the following information:

- (a) The Applicant has worked in the Borough since 2009;
- (b) The Applicant's goal is to subdivide the lot into two, with the north portion of the lot being deed to the Borough to serve as parking for the nearby recreational sports fields, and the south portion to be used to park overflow from their operations located nearby;
- (c) The Applicant sought to put up a six foot fence in the front yard.
- (d) The Applicant agreed to comply with the Engineer Report as a condition of approval.

3. Applicant's Engineer testified that there would be: (1) no changes to the easements, (2) no containers on site, (3) no signage, (4) no proposed lighting, (5) the lot will operate during the day time hours only, (6) that there will be an estimate of thirty trailers parked at a time, (7) that there will be trees planted which would be four to six feet in height, and (8) that the fence will be six feet in height.

4. In response to the Applicant's Engineer testimony, the Board made hours of operation between 8:00 am EST to 6:00 pm EST a condition of approval. The Board also asked who would be securing the gate which the Applicant's experts stated it would be National Delivery Systems who will secure the gate.

5. The Applicant's Planner provided extensive testimony in support of the Applicant's requested relief: (1) the property was well suited for the proposed use, and that it would advance land use law without substantial detriment to the public good, (2) that the

property has been utilized as such since 2009, and (3) that the company utilizing the property is very efficient in operating and maneuvering the trailers which helps support the space has adequate capacity, (4) the property being bounded by the industrial zone of two sides supports the proposed use, (5) but for this use, the lot doesn't have any practical value, and that it would be useless to a private developer.

6. The Applicant's Planner testified to the positive and negative criteria; that 3/4 acre is being donated to the Borough thereby the area will have designated and dedicated space for recreational parking totaling 60-70 parking spots. The Applicant's Planner testified that said donation of land for parking will increase safety of the community, less cars parked on the street, makes off-street parking more efficient and will result in an overall positive impact in general welfare of the community. The Planner continued that the landscape will be improved as well as enhancing opportunities for light and air and open space.

7. Following the Planner's testimony, the Board made it a condition of approval that the door main gate be locked and a key be provided to the Borough for their ability to enter through the main gate.

8. The Board's Engineers were sworn in and discussed their Engineer Report.

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

10. The Board Engineer 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.

11. The meeting was opened to the public. Markus Delgado, of 165 Hall Avenue, spoke about the history and conditions of the Property. He raised his concern of (1) the trash on

the lot, (2) destruction caused by vehicles entering the lot, specifically to cars parked on the street, and (3) destruction caused by vehicles entering the lot on the road and the sidewalk. Jaime Casey provided a letter, as a citizen of the community, to the Applicant in opposition to the requested relief, the Applicant did not oppose the letter being entered onto the record.

12. The Applicant stated construction on the property would start as soon as possible.

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

NOW, THEREFORE, BE IT RESOLVED by the Borough of Bellmawr Joint Land Use Board that the application of National Delivery Systems, seeking Minor Subdivision, Minor Site Plan, Use Variance, 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.

This grant of approval is also conditioned as follows: (1) Hours of operation must be limited to 8:00 am EST to 6:00 pm EST; (2) Borough must be provided keys to the gates and doors of the property; (3) the deed conveying the property to the Borough must be reviewed and approved by the Board's Engineer and Solicitor before recording; (4) the Applicant must satisfy all the requests and comments in the Engineer Report, and (5) 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.

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:

	Yes	No
Joshua C. Haas (Chair)	X	
Mark DeBernardinis	X	
Ray Staszak	X	
Emil Andrae	X	
Phil Mullen	X	
Harry Corcoran	X	
Bob Bauman	X	

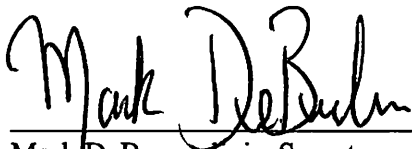
The foregoing is a true copy of the Resolution adopted by the Borough of Bellmawr Joint Land Use Board at a duly noticed meeting on April 7, 2025, memorializing the action of the Board taken at its meeting on March 3, 2025.

Dated: April 7, 2025



Joshua Haas, Chairman

Dated: April 7, 2025



Mark DeBernardinis, Secretary