

RESOLUTION: # 2023-05

**A RESOLUTION OF THE JOINT LAND USE BOARD OF BOROUGH BELLMAWR
MEMORIALIZING APPROVAL FOR PRELIMINARY AND FINAL MAJOR SUBDIVISION FOR
CASE 2023-05, BIG TIMBER JUNCTION, LLC,
HARDING AVENUE, BELLMAWR, BLOCK 79.01, LOT 9.01
GREEN ACRES SUBDIVISION**

WHEREAS, on April 3, 2023 consideration was given to the application of Big Timber Junction, LLC for preliminary and final major subdivision approval hereinafter described for the property located at intersection of Leaf Avenue and Harding Avenue, Block 79.01, Lot 9.01 in the Borough Tax Map; and

WHEREAS, the Board reviewed plans and documents as follows:

- Borough of Bellmawr Land Development Application.
- Plan entitled "Subdivision Plan, Bellmawr Borough, Block 78, Lots 1 & 2, and Block 79.01, Lot 9.01, Camden County, New Jersey" prepared by Nave Newell, dated 8-18-22, revise 2-08-23.
- Report entitled "Borough of Bellmawr, Camden County, New Jersey, Amended Bellmawr Redevelopment Plan May 2014" prepared by William H. Harris, PP, and Palea J. Pellegrini, PE, PP, CME.

WHEREAS, on April 3, 2023 appearing for the applicant/redeveloper was Donald A. Nogowski, Esquire, testifying was Applicant/Developer's Engineer, Sam Renauro and Steven M. Bach the Planning Board Planner and Engineer issued a report on March 24, 2023 and testified on behalf of the Board and no public appearing to testify and the Board having made the following factual findings in conditionally approving the subject application for preliminary and final major subdivision approval;

1. The hearing commenced with preliminary comments by the Solicitor.
2. He indicated that on December 21, 2022 a staff meeting had occurred that involved Howard Long Attorney for the Borough and Michael J. McKenna Attorney for the Bellmawr Redevelopment Agency and Bellmawr Planning Board.
3. Dennis McNulty, Engineer for the Agency was present as was Steven Bach, Board Engineer and Engineer for the Borough.
4. Various viewpoints and comments were exchanged concerning the draft subdivision plan and the applicant thereupon performed revisions consistent with that review
5. Mr. Bach received revised plans and authored a new report thereon. That report acknowledged receipt of a new plan with the revised date of February 8, 2023, together with various other materials.
6. Mr. Bach's report made mostly technical comments concerning the report and the applicant agreed to comply with all terms and conditions of that report.
7. The Solicitor went on to explain that the application was required by the terms of the Redevelopment Agreement between the Redeveloper and the Borough of Bellmawr and the Bellmawr Redevelopment Agency consistent with the Redevelopment Plan that had been produced by the Planning Board and Governing Body.
8. It was further stated that the subdivision application was also required by Green Acres to finalize a diversion plan previously filed on behalf of the Governing Body which had been preliminarily approved by Green Acres upon the condition of perfected subdivisions from Bellmawr Planning Board and the Deptford Planning Board.

9. It was explained that the diversion allows for among other things monitors at 1) monetization of the Borough owned land presently restricted from development by Green Acres; 2) resolution of several issues Green Acres that were not connected to this redevelopment but which were being solved by virtue of this diversion; 3) Green Acres subdivision will allow will promote the advancement of the redevelopment marketing for the remainder of the lots.
10. The Solicitor further explained that there was a parallel application pending in Deptford which he was aware of.
11. Finally, the Solicitor explained that no development whatsoever is called for or authorized by this subdivision and this includes any park improvements.
12. All such improvement proposals must follow a sequence first being reviewed and advanced by counsel then review and advance by the authority and then finally for consideration by the Planning Board.
13. This process is designed to avoid duplication and was deemed the best method to set the settle sequence that is both logical but which also recognize the primacy of the governing body in redevelopment matters. It is for this reason that the sequence was put into the redevelopment agreement.
14. Mr. Nogowski entered his appearance and briefly explained this subdivision indicating that it was a "by right" major subdivision. He further indicated that it is a subdivision off of Lot 9.0 existing Lot 9.01 from which would be divided the 36.9 acre remaining motherland and a 21 acre of Green Acres dedication.
15. Reference was made to the pending application in Deptford regarding the property that lays within the municipal borders of Deptford.
16. A variance was discussed but the possible need for variance as referenced in the engineers report was determined not to be required by the Planner.
17. Mr. Bach indicated his opinion that the redevelopment plan did not prohibit this subdivision and that he agreed that there was a no variance required and he briefly described the boundaries of the subdivision plan and how it would function.
18. Mr. Renauro noted that the Green Acres property owned by the Borough had already been suitably subdivided for conveyance to Green Acres directly. The portion of the Green Acres ground that would be dedicated that lies within the Township of Deptford would have to await subdivision by Deptford.
19. Accordingly, the only parcel that was being subdivided was the said existing Lot 9.01.
20. No public appeared and testified

NOW, THEREFORE BE IT RESOLVED considering the foregoing facts the Board concludes the application for preliminary and final major subdivision approval has substantial merit and should be approved subject however to the following conditions:

1. The applicant's engineer must make appropriate revisions to the site plan pursuant to the Planning Board action.
2. Ten (10) copies of the final site plan shall be submitted to the Board Engineer's Office for review, approval and signature.
3. The applicant is notified that if an inspection escrow and performance bond is required for this application an estimate for all on/off site improvements (excluding structures) must be reviewed and approved by the Planning Board Engineer. The inspection escrow must be posted prior to the issuance of any building permits.
4. The applicant must contact the Community Development office to settle any outstanding review escrow accounts prior to the issuance of building permits.
5. No work is to start until a preconstruction conference is held. The preconstruction conference shall be scheduled with the Borough Engineer's office (Senior Inspector for Bellmawr Borough at 856-795-9595 extension 1131) a minimum of three working days prior to the start of work.
6. Approval of all appropriate reviewing agencies including without limitation, the MUA, County Planning Board, Traffic Commander, Fire Marshall, Soil Conservation District, Department of Transportation and Police Department, Water and Sewer Department. (If required), Deptford Planning Board.
7. Compliance with all Borough, County, State and Federal rules, regulations and ordinances.

8. Compliance with the Board Engineer's report and comments at the public hearing.
9. Compliance with all representations made by the applicant at all public hearings.
10. Compliance with all terms and conditions of all prior approvals except as is specifically modified herein.
11. Provision of a compliance plan depicting all original improvements with subsequent amendments identified by date of approval.

Those Eligible to Vote

Those in Favor

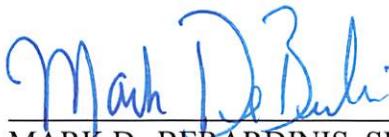
Those Opposed

All

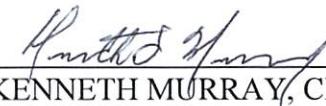
Kenneth Murray
Emil Andrae
Joshua Haas
Harry Corcoran
Mark De Berardinis
Philip Mullen
Raymond Staszak
Mayor Charles Sauter
Daniel DiRenzo
Craig Wilhelm

ATTEST:

BOROUGH OF BELLMAWR
THE JOINT LAND USE BOARD:



MARK De BERARDINIS, SECRETARY



KENNETH MURRAY, CHAIRMAN

CERTIFICATION

I HEREBY CERTIFY that the foregoing is a true and correct copy of a Resolution adopted by the Borough of Bellmawr Joint Land Use Board at a meeting held on the 1st day of May, 2023.



MARK De BERARDINIS, SECRETARY