

RESOLUTION: #2023-03

**A RESOLUTION OF THE JOINT LAND USE BOARD OF BOROUGH BELLMAWR,
CHARLES INSALACO, CASE NO. 2023-03, 125 NORTH CEDAR AVENUE IN
BELLMAWR, BLOCK 109, LOT 4.**

WHEREAS, on February 6, 2023. Consideration was given to the above application. Appearing and testifying was Charles V. Insalaco, purchaser of the property from the Estate of Orazio Cerami of 125 North Cedar Avenue. The Board heard from the applicant and Anthony Wordeli from the public, who was not opposed to the application, and heard testimony from the Board planner, Steven Bach, who also authored a report. The Board reviewed the testimony and exhibits and thereon makes the full factual findings:

1. The application requested a minor subdivision and bulk variances for minimum lot width of 50 when 60 (Lot 4) is required and maximum lot coverage of 35% when 30% is the minimum (Lots 1 and 2).
2. The property is located in a Residence A zone and is presently a vacant lot.
3. The proposed land use is for a residential lot for one single-family dwelling with a typical building envelope located on the survey/subdivision plan prepared by Joseph W. Maxcy of Peterman-Maxcy Associates, LLC, last amended on January 9, 2023.
4. The Board also considered an outbound and topographic survey from the Peterson-Maxcy firm dated October 4, 2022.
5. The Board had before it, as well, the application check list items and a report of Steven Bach dated January 26, 2023.
6. Compliance with the Bach report and comments at the hearing were accepted by the applicant as conditions of approval.
7. The Bach report identifies the variances as set out in Paragraph 1 above.
8. Attachments to the application included site photographs, a purchase and sale agreement, a deed into the present owners from the Borough of Bellmawr dated December 31, 1963.
9. Upon the discussion with the Board, the applicant agreed to certain conditions of approval.
10. Among these conditions is that the remaining two lots will be consolidated by deeds to be reviewed and approved by the Board Solicitor and Board Engineer.

11. The Board heard substantial credible testimony that the two variances are occasioned by existing conditions which could not be mitigated, as no additional ground could be aggregated to bring the lots into conformity. The Board also heard uncontradicted testimony that the lot sizes were consistent with the pattern of development in the community.
12. A further condition agreed to was that curb and sidewalks will be provided where they are lacking around the perimeter of the property up to the edge of the northernmost driveway on Cedar. Curbing, but not sidewalk, still extend past that driveway to the property boundary.
13. Additionally, the applicant agreed to hold to the 8-foot setback shown on the side yard adjacent to Lot 3.

BE IT RESOLVED that the Board's factual findings in Paragraph 11 demonstrate satisfaction of the positive and negative criteria for variances and provided the conditions of approval are scrupulously observed.

NOW, THEREFORE, BE IT FURTHER RESOLVED considering the foregoing facts the Board concludes the application for subdivision and variances has substantial merit and shall be approved subject however to the following conditions:

1. The applicant's engineer or surveyor must make appropriate revisions to the subdivision plan pursuant to The Joint Land Use Board action.
2. Ten (10) copies of the final subdivision plan shall be submitted to the Board Engineer's Office for review, approval and signature.
3. The applicant shall timely submit deeds for the minor subdivision that are subject to review and approval of Board Engineer and Board Solicitor.
4. The applicant is notified that an inspection escrow and performance bond is required for this application and an estimate for all on/off site improvements (excluding structures) must be reviewed and approved by The Joint Land Use Board Engineer. The inspection escrow must be posted prior to the issuance of any building permits.
5. The applicant must contact The Joint Land Use Board office to settle any outstanding review escrow accounts prior to the issuance of building permits.

6. 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.
7. Approval of all appropriate reviewing agencies including without limitation, the CCMUA, County Planning Board, Traffic Commander, Fire Marshall, Soil Conservation District, Department of Transportation and Police Department, Water and Sewer Department. (If required.)
8. Compliance with all Borough, County, State and Federal rules, regulations and ordinances.
9. Compliance with the Board Engineer's report and comments at the public hearing.
10. Compliance with all representations made by the applicant at all public hearings.
11. Provision of a compliance plan depicting all original improvements with subsequent amendments identified by date of approval.
12. Posting of any required additional performance and maintenance bonding.
13. Subdivision deeds shall be timely submitted for review by the Solicitor and Engineer.

Those Eligible to Vote

Those in Favor

Those Opposed

All

None

Kenneth Murray
Emil Andrae
Joshua Haas
Harry Corcoran
Mark De Berardinis
Philip Mullen
Charles Sauter
John Scarborough
Raymond Staszak
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 6th day of March, 2023 .


MARK De BERARDINIS, SECRETARY