

**RESOLUTION OF THE BOROUGH OF BELLMAWR JOINT LAND USE BOARD
MEMORIALIZING SITE PLAN AND USE VARIANCE APPROVAL FOR BELLFOUR HOLDINGS,
LLC, 25 WEST BROWNING ROAD, BLOCK 139 LOT 8; 31 WEST BROWNING ROAD, BLOCK 139
LOT 9; 28 WEST CHESTNUT ROAD, BLOCK 139 LOT 13; AND 24 WEST CHESTNUT ROAD,
BLOCK 139 LOT 14**

WHEREAS, the applicant appeared on April 26, 2023 and then appeared again on October 2, 2023 after substantially revising the application and re-noticing appeared on October 2, 2023 at regularly scheduled meetings of the Bellmawr Joint Land Use Board after consideration was given to the application of Bellfour Holdings, LLC for a site plan/bulk and use variances and waivers approvals at the following properties:

1. 25 West Browning Road: use variance to permit one 2 bedroom apartment on the 2nd floor;
2. 31 West Browning Road: use variance to permit one 1 bedroom apartment on the 1st floor and one 2 bedroom apartment on the 2nd floor;
3. 24 West Chestnut; use variance to permit a parking lot for 25 and 31 West Browning Road; and
4. 28 West Chestnut; construction of 2,975 ft. accessory building for Imperial Custom Metals.
5. Site plan approval, bulk variances and waivers

WHEREAS, Charles D. Petrone, Esquire appeared on behalf of the applicant; testifying were applicant's principals, Jodi Leonetti and Mark Leonetti; and sworn in on behalf of the applicant was Samuel Renauro applicant's professional Engineer. Steven Bach also testified as the Board Planner and Engineer and no one testified from the public; and

WHEREAS, the Board makes the following factual findings in granting use variance approvals, site plan and related waivers, bulk variances per the revised application and subdivision (lot consolidation); and

1. At the conclusion of the April hearing the applicant determined areas of the application ought to be either augmented, revised or abandoned altogether and requested an adjournment, pending such augmentation, revisions and/or abandonment. They thereupon submitted revisions and a notice for a new public hearing to provide notice of the changes.

2. Original application materials included:

- a. Bellmawr Borough Joint Land Use _Board Application.
- b. Borough of Bellmawr Land Development Checklist.
- c. Photographs of the property;
- d. Survey entitled "Site Address: 31 West Browning Road, Township of Bellmawr, Camden Count, New Jersey" prepared by Valley Land Services, LLC., dated 10-04-22 and revised 12-07-22.
- e. Plan entitled "31 West Browning Road, Block 139, Lots 8, 9, 13 & 14, Borough of Bellmawr, Camden County, New Jersey", prepared by SR3 Engineers, dated 12-16-22.

3. The applicants July 24, 2023 revisions were accompanied by the following:

- a. Charles D. Petrone, Esquire correspondence dated 7/24/23 identifying revisions. The Applicant is amending the Application to (i) remove its request for a variance to permit a recreational vehicle rental business on Block 139, Lot 14 (24 West Chestnut Avenue); (ii) to remove its request for a variance for storage trailers on Block 139, Lot 13 (28 West Chestnut Avenue and (iii) to construct a 2,975 square foot accessory building on Block 139, Lot 13 as accessory to the existing Imperial Custom Metals use. Mr. Petrone's correspondence enclosed the following :

 - i. Twelve (12) copies of Existing Uses, Proposed Uses and Requested Variances, revised 07/21/23;
 - ii. Twelve (12) copies of Borough of Bellmawr Certificate of Continued Use/Occupancy - Single Family Dwelling, Borough of Bellmawr - Home/Business/Rental/CO Inspection Checklist Report and Borough of Bellmawr - Rental CO Registration for 25 W_ Browning Road and 31 West Browning Road - Units A and B;
 - iii. Site Plan, prepared by Samuel Renauro, Ill, PE, SR3 Engineers, dated May 11, 2023, including Existing Conditions/Demolition Plan, Lot Consolidation Plan, Site Plan and Grading Plan;
 - iv. Architectural Plans for 27 West Browning Road, prepared by Grayling L Johnson, RA, dated 05/11/23 (4 sheets); and
 - v. Architectural Plans for 31 West Browning Road, prepared by Grayling L. Johnson, RA, dated 05/11/23 (3 sheets)
 - vi. Bellmawr Borough Joint Land Use Board Application, amended August 10, 2023.
 - vii. Borough of Bellmawr Land Development Checklist.
 - viii. Cover letter addressed to the Borough of Bellmawr Land Use Board, dated July 24, 2023.
 - ix. Plans entitled "31 West Browning Road, Block 139, Lots 8,9, 13 & 14, Borough of Bellmawr, Camden County, New Jersey", prepared by SR3 Engineers:

<u>Sheet</u>	<u>Title</u>	<u>Date/Last Revision</u>
1	Existing Conditions / Demolition Plan	5-11-23 / None
2	Lot Consolidation Plan	5-11-23 / None
3	Site Plan	5-11-23 / None
4	Grading Plan	5-11-23 / None

4. Steven M. Bach Board Planner and Engineer issued review letters of 3/29/23 and 9/6/23 with which the applicant agreed to comply as conditions of approval. He also made comments at both hearings and asked the applicant questions seeking record testimony per his report.

5. The October 2, 2023 hearing commenced with applicant's counsel who reviewed the revisions and new materials and indicated that the applicant agreed to comply with the Board Engineers review letters which included those new materials and withdrawals and additions to relief detailed below including acceptance

of terms and conditions of the engineer's report and representations and testimony at the public hearing. The applicants confirmed.

6. The applicants Engineer, Samuel Renauro then testified concerning the uses of the new structure designed to insure that all materials and activities relative to the Imperial Custom Metals business are kept inside.

7. Applicant agreed that this new building cannot be used except in connection with the existing business of Imperial Custom Metals and that no portions of the same would be rented occupied or otherwise used by any other party. The applicant acknowledged this is a condition of approval and all lots would be consolidated into a single lot such that the business and the accessory building aforementioned would be inseparable and maintained on the same lot. In conjunction with this representation applicant agreed as a condition of approval that there would be no outside storage of materials whatsoever and no outdoor lot activities of any nature or kind would be conducted on any portion of the newly consolidated lot. This would include any property or possessions of any of the occupants of any of the structures. Leases must be provided for these properties and to the Solicitor for approval for next year.

8. Mr. Renauro went on to describe in detail the various improvements that had been and it would be made in the site plan and again affirmed that the terms and conditions of the Engineer's report could, and would be complied with as conditions of approval.

9. The Board Engineer than testified with respect to his reports which outlined background the property was in the boroughs light industrial zoning district And that the following bulk standards were applicable to the subject lots

Proposed Lot 8

	<u>Required</u>	<u>Lot 8</u>	<u>Proposed Lot 13.01</u>	<u>Complies</u>
Min Lot Size (SF)	7,500	6,214*	27,805	No
Min Lot Width (Ft)	75	50*	50*	No
Min Setbacks (Ft)				
Front (Browning)	10	6.9*	9.9*	No
Front (W. Chestnut)	10	N/A	29	Yes
Side	0	4.7	1.7	Yes
Side (Residential)	15	N/A	5.6*	No
Rear	10	48.2	N/A	Yes
Trash Enclosure	5	N/A	N/A	N/A
Occupied %	80	33.4	14	Yes
Max Bldg Ht. (Ft)	35	27	26	Yes

*Existing Non-Compliance

**Variance required

10. Mr. Renauro was again recalled to testify about the positive and negative criteria for the bulk variances, and for the both variances. His testimony was acknowledged by the board as being credible and consistent with Board members personal observations. He stated the applicant invested substantial money since purchase to improving the previously developed subject property. He described the benefits of removal of

various nonconforming and unsightly, uses and externalities that were a detriment to the area. The applicant argued and the board accepted that the proposed improvements would benefit the surrounding properties and community.

11. Mr. Renauro argued that these benefits furthered the several purposes of zoning by repurposing an existing but rundown and functionally obsolete property and restoring the productive use of land. He likewise argued that the property was particularly suited for the uses, given the existing structures on the subject site and the mixed use uses already contained thereon. The Board acknowledged on the record knowledge of the mix of existing uses, and elimination of several of those uses as being beneficial.

12. The present uses on the specific lots, with the proposed uses and improvements thereon with associated items of requested relief were submitted in writing and supported by testimony as follows:

Existing Uses at Applicant's Acquisition

25 West Browning Road – (Lot 8)	2-story building
	First Floor – 1 Bedroom Apartment Light Industrial Space
	Second Floor – 2 Bedroom Apartment
31 West Browning Road – (Lot 9)	1-story (Front of Building) and 2-story (Rear of Building)
	First Floor – 1 Bedroom Apartment (Front of building) Imperial Custom Metals (Balance of first floor)
	Second Floor - 2 Bedroom Apartment
24 Chestnut Avenue – (Lot 14)	Parking for 25 West Browning and 31 West Browning
	Recreational Vehicle Rental Business
28 Chestnut Avenue – (Lot 13)	Storage trailers for Imperial Custom Metals

Proposed Uses

25 West Browning Road – (Lot 8)	First Floor – Light Industrial Space
	Second Floor – 2 Bedroom Apartment
31 West Browning Road – (Lot 9)	First Floor – 1 Bedroom Apartment (Front of Building) Imperial Custom Metals (Balance of First Floor)
	Second Floor – 2 Bedroom Apartment
24 West Chestnut Avenue – (Lot 14)	Parking for 25 and 31 West Browning Road
28 West Chestnut Avenue – (Lot 13)	Construction of a 2,975 square foot accessory building for Imperial Custom Metals

The Applicant has previously agreed to consolidate Lots 9, 13 and 14 and to grant cross easements for access and parking between Lot 8 and the consolidated Lot as a condition of approval.

NOW, THEREFORE after considering the foregoing facts, the Board concludes that the application for use variance, bulk variance and waivers has substantial merit and should be approved subject however to the following conditions:

1. Parking shall be as described at the hearing and implemented on the compliance plan, including notes stating no parking between buildings and a fence separating the uses to prevent mingling of parking.

2. All fire safety and other subcodes shall be brought up to current code for all uses and components of the property as a condition of approval.
3. Subdivision deed to be prepared consolidating all lots and precluding separate alienation of sale or transfer of less than the entire consolidated property including the new structure approval only as an accessory use to the Imperial Custom Metals business. Said deed to be reviewed and approved by the Board Solicitor and Engineer and recorded as a condition of this approval.
4. The accessory use structure shall have no sanitary sewer or water service and shall be as depicted, an open garage with 4 bays and no office.
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. 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).
7. Compliance with all Borough, County, State and Federal rules, regulations and ordinances.
8. Compliance with the Board Engineer's reports and comments at the public hearing.
9. Compliance with all representations made by the applicant at all public hearings.
10. Provision of a compliance plan depicting all original improvements with subsequent amendments identified by date of approval.
11. Posting of any required additional performance and maintenance bonding.
12. Compliance with conditions listed in the fact finding paragraphs above.

BE IT FURTHER RESOLVED, the Board further finds that the applicant has satisfied the positive and negative criteria for the use variances by demonstrating particular suitability and the furthering of the purposes of zoning. Likewise, the negative criteria is satisfied by demonstrating the benefits above and that accordingly there would be no substantial detriment to the public good and no substantial impairment of the zone plan or zoning ordinance. The identified bulk variances, being necessary to achieve those benefits, likewise satisfied the positive and negative criteria.

Those Eligible to Vote

Those in Favor

Those Opposed

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Ken Murray

Josh Haas

Ray Staszak

Emil Andrae

Daniel DiRenzo

Mark DeBerardinis

Harry Corcoran

ATTEST:



MARK DEBERARDINIS, SECRETARY

JOINT LAND USE BOARD:



KEN 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 November 2023.



MARK De BERARDINIS, SECRETARY