

RESOLUTION: # 2023-13

**A RESOLUTION OF THE BELLMAWR COMBINED LAND USE BOARD
MEMORIALIZING APPROVAL FOR PRELIMINARY AND FINAL MAJOR SITE
PLAN, PROVIDING FOR A WATERFRONT PARK AND LOGISTICS CENTER THAT
OVERALL CONSISTS OF THREE WAREHOUSES TOTALING 993,060 sf. WITH
ASSOCIATED SITE IMPROVEMENTS BIG TIMBER JUNCTION, LLC,
LOCATED SOUTH OF INTERSECTION OF LEAF AVENUE AND HARDING
AVENUE, BLOCK 79.01, LOT 9.01, BLOCK 78 LOTS 1, 2 AND 3
APPLICATION 2023-13**

WHEREAS, on November 13, 2023 consideration was given to the application of Big Timber Junction, LLC for preliminary and final major site plan approval and waiver relief as hereinafter described for the property located at south of intersection of Leaf Avenue and Harding Avenue, Block 79.01, Lot 9.01, Block 78 Lots 1, 2 And 3 in the Borough Tax Map; and

WHEREAS, the Board had before it plans and documents as follows:

- Cover Letter from SR3 Engineers to Tina Johnson, Joint Land Use Board Secretary, Borough of Bellmawr, dated August 17, 2023.
- Borough of Bellmawr Site Plan Application (revised).
- Borough of Bellmawr Land Development Checklist (revised).
- Permit List and Waiver Justification letter addressed to the Bellmawr Borough Joint Land Use Board prepared by SR3 Engineers, dated August 17, 2023.
- Project Narrative and Schedule, dated August 10, 2023.
- Index of Documents Submitted (revised 8-14-23).
- List of required legal descriptions.
- Traffic Impact Study prepared by DelVal Realty Group, dated June 2023.
- Stormwater Management Report prepared by SR3 Engineers, dated 6-12-20, last revised 5-05-23.
- Plan entitled "Plan of Survey Bellmawr Waterfront Development for Deptford Township Block 1.02, Lot 1, Phase -2 and Bellmawr Borough Block 79.01, Lot 1 & 2 Phase -1, prepared by Nave Newell, dated 7 -23-19, revised to 7-28-21
- Plan entitled "Plan of Survey Bellmawr Block 78, Lot 2, Phase - 3, Bellmawr Waterfront Development in Bellmawr Borough, Camden County, New Jersey", prepared by Nave Newell, dated 7-23-19, revised to 4-27-21.
- 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, revised to 8-1-23.
- Big Timber Junction, LLC, Redeveloper, Environmental Remediation Project Narrative, July 2023.
- Architectural Floor Plans.

- Plan entitled "Big Timber Junction, Proposed Waterfront Park and (Class A) Logistics Center Plans, Block 78, Lots 1-3; Block 79.01, Lot 9.01 Borough of Bellmawr, Camden County, New Jersey, Block 1.02, Lot 1 Deptford Township, Gloucester County, New Jersey" prepared by SR3 Engineers

WHEREAS, on November 13, 2023 appearing for the applicant was Donald Nogowski, Esquire and testifying for the applicant was Samuel Renauro, PE and Mark Roth, traffic engineer and the Board having heard testimony from Board Planner/Engineer Steven Bach and Nicholas Bishop and no public appearing and based on the testimony and documentation, the Board makes the following factual findings in conditionally approving the subject application.

WHEREAS, the Board makes the following factual findings

1. The application is for preliminary and final major site plan approval for a proposed Waterfront Park and logistics center that overall consists of three warehouses totaling 993,060 sf. with associated site improvements although one building and a portion of the park lies within Deptford municipality and hence is subject to Deptford approval of the subject improvements within its boundaries.
2. The parcel is a 36.9 acre vacant tract consisting of 3 closed landfills located on the west side of Route 42 between Route 295 and the New Jersey Turnpike.
3. This property is part of the Route 42/Landfill Redevelopment Study Area Redevelopment Plan last revised May 2014. The property has recently been subject of a minor subdivision review and approval by the Bellmawr Planning Board to effectuate the subdivision of the parklands for approval as designated by and for Green Acres. Such approvals were granted by Bellmawr and Deptford.
4. The entire tract consists of Block 78, Lots 1 & 2, and 79.01, Lot 9.01 in the Borough of Bellmawr. Block 1.02, Lot 1 is in Deptford Township and that lot is under control and supervision of Deptford for the approval of land in Deptford Township.
5. To be clear, the preliminary and final site plan approval memorialized hereby is only for the area within Bellmawr Borough although the site plan by necessity shows the Deptford proposed improvements, only so as to make clear the interdependence of site improvements for parking, circulation, drainage, utilities, and other aspects of this integrated development.
6. The property is located within the Bellmawr Borough Route 42 Landfill Redevelopment Plan and as such the Waterfront park and Logistics Center are permitted uses under the Bellmawr Redevelopment Plan. The zoning ordinance of Deptford will apply to the portion of the development within Deptford.
7. The Redevelopment Plan does not provide for bulk standards, hence no variances are required for the proposed improvements within the Borough of Bellmawr. The applicant will have to satisfy Deptford for the portions of the development that lie within Deptford Township.
8. The Board engineer issued a report dated November 9, 2023 to which the applicants counsel and the applicants engineer agreed to comply in its entirety as a condition of approval.
9. The application being devoid of any relief requested for phasing and the plans describing no phasing of the development, the development will proceed as a single integrated development absent further action by the Board upon request by the applicant.

10. The hearing commenced with a detailed presentation by Donald Nogowski, Esquire, counsel for the applicant. He provided helpful background to the Board concerning the redevelopment process and background for the application. In particular, he indicated that the project was conceived to take place in three phases. Phase 1 was remediation of the landfills, and a resolution of a serious flooding issue that had arisen with storm drainage pipes having occluded underneath the landfill exposing trash to be carried into the adjacent Timber Creek waterway. Phase 2 was to create preserve and protect public access to the waterfront. That goal was furthered by subdivisions of land approved by Bellmawr and Deptford this past year as necessary to create the park and separately protect it under the Green Acres designation.
11. Phase 3 was commercial development that would provide for jobs, ratables and an economic development engine for the entire region, by virtue of the Logistics Center that was before the Board along with the Waterfront Park.
12. Before the Board this evening was Sam Renauro, Applicant's Engineer. He provided substantial credible testimony on behalf of the application. Both he and Mr. Nogowski emphasized that this was a "by right" application for a permitted use and violated no bulk standards. He discussed in detail that the Borough owned (but never operated) one of the three landfills and the Borough property was presently entirely barred from development by a Green Acres designation.
13. He described the process whereby the property lot lines had been realigned some 10 years ago and further described the Green Acres concept had received approvals for preliminary but not final approval for Green Acres for a diversion. This diversion includes removal of the Green Acres designation on the developable parts of the Bellmawr owned lot and an adjustment to the Green Acres designation of the portion of the lot lines in Deptford lot to enlarge the original land the redeveloper would dedicate to Green Acres for the Park. This latter adjustment was required to assist the Borough in resolving other unrelated issues with regard to alleged Green Acres violation. Finally, he described that the redeveloper in addition to increasing its dedication from the Deptford lot that it owned, had acquired a 150-acre parcel in West Deptford that would also be used to satisfy the diversion of the Bellmawr lot and the resolution of the Borough's issues with Green Acres.
14. He then went on to describe the amenities at the Waterfront park. There would be 2 trailheads for access, one at the Creek Road entrance. There were 8 regular parking stalls and one handicap stall and restroom facilities. There would be benches, gazebos and overlooks all along the site as well as trail lighting and mile markers and other amenities all as shown on the Waterfront Park plans.
15. Messrs. Renauro and Nogowski explained under the redevelopment agreement, the developer would pay for the installation of these improvements and the maintenance of same.
16. They noted that the redevelopment agreement further provides that the entirety of the tract both inside and outside of the Borough of Bellmawr would be deeded to the Bellmawr Redevelopment Agency (hereinafter Bellbra), and the costs of the conveyance of the property would be borne by the Redeveloper. The Borough would likewise transfer its property to the Bellbra development agency, and those costs would likewise be borne by the Redeveloper. Although unrelated to this application, it was put on the record that the redeveloper is responsible for all costs of any name, nature or kind required to support the Redevelopment Agency.
17. Substantial further questions and the answers were exchanged between the Board, the applicant and the Board's professional staff. Professional staff made it clear that they

- had had numerous meetings with the applicant to ensure that the plan ultimately submitted and before the Board for approval would be one that the Board staff could support.
18. Accordingly, the Board engineers report of 13 pages was principally directed to design details that needed further adjustment, and the applicants counsel and engineer unequivocally again agreed that they could accept as a condition of approval, the applicant's satisfaction of all of those technical comments. This substantially shortened the nature and extent of a review of the site plan by the Board's professional staff at the hearing.
 19. One issue took a substantial amount of time and attention from the Board to resolve. Specifically, the Board Solicitor inquired of the applicant to make sure that there was an agreement that as a condition of approval, there would be no vertical construction of the three logistics center buildings, unless and until there was a completion of the adjacent Connector Road. The Board and the applicants Engineer spent a substantial time discussing the fact that this was an absolute prerequisite to the additional traffic being generated by the subject proposed commercial development because of the extent to which adjacent roadways were already distressed by the conditions that were leading to the adjacent "missing moves" highway construction project by New Jersey DOT. Likewise, both the Board solicitor and the applicants counsel concurred that the completion of the connector road had always been a foundational event upon which the redevelopment was based.
 20. Accordingly, the applicant was asked to state unequivocally and without conditions that the applicant understood and accepted as a condition of approval that there would be no vertical construction of the 3 Logistics Center structures, unless and until the Connector Road was completed or unless the Board otherwise amended the approval upon an application for such relief from the applicant. The applicants counsel so agreed and stated he had express authority from his client to so state.
 21. At this point upon questions from Councilman Wilhelm, among others, traffic engineer Roth was sworn in to testify. It is to be noted that Mr. Roth, while being produced as a witness by the Redeveloper was engaged by the Bellmawr Redevelopment Agency to conduct traffic studies. He responded at length and in detail, with the answers to questions by Board members concerning his findings and studies. The sum and substance of these studies is his conclusion that at the completion of the Connector Road the community traffic burdens by virtue of volumes and delays would be better after this development, then were experienced in the present time.
 22. He described in detail the data he reviewed and investigated in reaching his conclusions. He concluded that when the Connector Road was completed, the levels of service, and in particular delays experienced by motorists, would be improved even with the addition of the anticipated traffic from the Park and Logistics Center. Absent the Connector Road completion, the levels of services and motorists delay experience would be negatively impacted by the Logistics Center.
 23. There followed discussion about other agency approvals as listed in the Board engineer report and the applicants engineer reports. The Board Solicitor advised that the proper procedure would require that the Board not await action from other agencies before performing the Board's duties upon the application before it. Rather, the Board should condition Board approvals upon receipt of other agency approvals. Those approvals are delineated in the Board engineers report to which should be added the EMS and Fire Department as well as any other approvals listed in applicant's engineer report of July 21, 2023. As further detailed below, there may be different agency approvals required for commencement of the park then for the site improvements for the logistics center.

24. As set out below, the Park construction must commence first. Nevertheless, the Board has no objection and hereby approves any logistic center site improvements proceeding contemporaneous with the commencement of the site improvements for the Park once they received all necessary approvals and permits provided they do not delay the Park in any, way, shape or form.
25. The Board finds the economic development of the Logistics Center and the creation of the Waterfront Park have substantial benefits to the public and private sectors, and will achieve the laudable goals of the redevelopment plan as conceived by the Council, consistent with the determination by this Board that the site is an area in need of redevelopment, subject to the conditions hereinafter imposed.
26. The Board and its professionals then asked for clarifications on issues, and confirmation of understandings on other issues.
27. The Board Solicitor asked the applicant to again confirm prior understandings regarding the Connector Road as described by counsel and the Engineer for the applicant. The Solicitor asked counsel to confirm that he understood and accepted as a condition of approval, that while the Park was to be constructed on a timeline described above (receipt of all agency approvals required for the Park), no vertical construction on the 3 Logistics Center buildings be commenced, nor zoning permits or U.C.C. permits for same be sought, unless and until the Connector Road was completed, unless otherwise approved by the Board. Such approval would require an application to the Board and action after a public hearing upon due notice. Site improvements for the Logistics Center commenced contemporaneous with the Park improvements upon approval of a compliance plan are at applicant's own risk.
28. After a brief recess to allow the applicant and counsel to confer, Mr. Nogowski specifically again confirmed these understandings, and again represented he was authorized by his client to so state on the record.
29. The Park construction shall be commenced within 30 days of receipt of all agency approvals required for the Park, and those approvals shall be promptly sought and diligently pursued.

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

1. The applicant must contact the Joint Land Use Board office to settle any outstanding review escrow accounts prior to the issuance of building permits.
2. Approval of all appropriate reviewing agencies including those identified in fact findings above and the following only if required without limitation, Deptford Township, Camden County Planning Board, Fire Marshall, Soil Conservation District, Department of Transportation, Police Department, Water and Sewer Department; Green Acres, NJ DEP (if required)
3. Compliance with all Borough, County, State and Federal rules, regulations and ordinances.
4. Compliance with the Board Engineer's report and comments at the public hearing.
5. Compliance with all representations made by the applicant at all public hearings.
6. Provision of a compliance plan.

7. Posting of any required additional performance and maintenance bonding.
8. Compliance with the conditions of approval set forth in this resolution.
9. Prohibition on vertical construction of the Logistics Center prior to completion of the Connector Road as set out in the fact findings above.

PARK CONDITION OF APPROVAL

10. The Redeveloper shall commence construction of the Park improvements within thirty (30) days of Redeveloper having obtained all required permits and approvals required to legally commence Park construction. Those Park permits and approvals shall be promptly applied for and diligently pursued and the Borough and the Bellmawr Redevelopment Agency shall be kept fully advised on status of same. The Redeveloper will diligently pursue completion of the Park Improvements once commenced, and shall complete the Park Improvements within twelve (12) months of commencing construction. The Redeveloper will provide the BRA and Borough with a Performance and Completion Bond, guaranteeing completion of the Park Improvements.

Those Eligible to Vote

Those in Favor

Those Opposed

Ken Murray

Josh Haas

Mark DeBerardinis

John Scarborough *ABSENT*

Emil Andrae

Daniel DiRenzo

Harry Corcoran

Craig Wilhelm

Mayor, Charles Sauter

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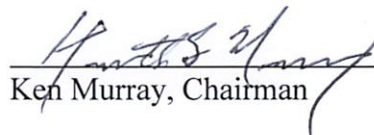
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ATTEST:

JOINT LAND USE BOARD:



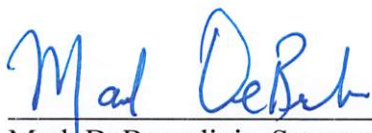
Mark DeBerardinis, Secretary



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 4 day, of December 2023.



Mark DeBerardinis, Secretary