



Bridgeton City Mayor

Albert B. Kelly

Bridgeton City Council Members

Edward Bethea, President

Rosemary DeQuinzio

J. Curtis Edwards

David Gonzalez

Marian King

AGENDA
CITY OF BRIDGETON ZONING BOARD
THURSDAY – MARCH 13, 2025
6:30pm

CALL TO ORDER – Chair

READING OF STATEMENT OF PUBLIC NOTICE - Secretary

ROLL CALL - FLAG SALUTE

APPROVAL OF MINUTES

- **October 10, 2024**

APPLICATIONS

Appeal of Zoning Officers Decision

423 S. East Avenue

Block 190, Lot 43

Pre-existing Non-Conformity

Francis Ballak – Attorney

Batten Investment Group LLC

27 Central Avenue

Block 252, Lot 22

Application #25-01ZB

Preliminary & Final Site Plan, C&D Variances

Emanuel Sanfilippo, III – Attorney

RESOLUTIONS

Bridgeton Public Charter School, 790 E. Commerce Street – Application #24-01ZB

Amended Site Plan

Re-organizational Meeting

- **Chair**
- **Co-Chair**

2025 Zoning Board Calendar Approval

RESOLUTIONS – Board Professionals

- | | |
|--------------------------------|----------------------|
| • Planner – Barbara Fegley | Resolution #2025-1ZB |
| • Solicitor – Kathleen Gaskill | Resolution #2025-2ZB |
| • Engineer – Mike Fralinger | Resolution #2025-3ZB |
| • Secretary – Roberta Copeland | Resolution #2025-4ZB |

OTHER

None

ADJOURNMENT

PLEASE NOTE: Applicants are expected to be present for the hearing.
The Board does not begin any new applications after 10 pm.



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Minutes of the March 13, 2025 Board of Adjustment Meeting

Meeting was called to order by our Board Chairman, Rick Dawson. Statement of meeting notice was read by the Board Secretary.

Those answering to roll call were:

Rick Dawson
Redonna Bowles
Maggie DeMarco
Sangeeta Scott
Robert Brewer
Raymond Palmer
Roberta Copeland (Alternate)

Approval of minutes

- Raymond Palmer made a motion to approve the October 10, 2024 Minutes and Redonna Bowles seconded. Voice vote approved with all in favor

Re-organization Meeting

Robert Brewer made a motion for Rick Dawson to remain as Chair for the Board and Redonna Bowles seconded. Roll call vote approved with all in favor.

Redonna Bowles made a motion to elect Sangeeta Scott as Vice-Chair for the Board and Maggie DeMarco seconded. Roll call vote approved with all in favor.

2025 Zoning Board Calendar

Raymond Palmer made a motion to accept the 2025 Zoning Board Calendar and Redonna Bowles seconded. Voice vote approved the 2025 Zoning Board calendar with all in favor.

2024 Election of Board Professionals (Resolutions)

- Board Planner – Maggie DeMarco made a motion to reappoint Ms. Fegley for Board Planner and Redonna Bowles seconded. Voice vote approved with all in favor
- Board Solicitor – Redonna Bowles made a motion to reappoint Kathleen Gaskill for Board Solicitor and Sangeeta Scott seconded. Voice vote approved with all in favor
- Board Engineer – Maggie DeMarco made a motion to reappoint Mike Fralinger for Board Engineer and Sangeeta Scott seconded. Voice vote approved with all in favor
- Board Secretary – Redonna Bowles made a motion to reappoint Roberta Copeland for Board Secretary and Sangeeta Scott seconded. Voice vote approved with all in favor

Applications:

Appeal of Zoning Officers Decision – 423 S. East Avenue – Block 190, Lot 43 – Pre-existing Non-Conformity – Attorney, Francis Ballak

Our Board Solicitor, Kate Gaskill stated this Board has jurisdiction to hear appeals from any order, decision, requirement or refusal that the Zoning Officer has made. If a person alleges that it was incorrect, they can appeal to our Zoning Board. Typically, it is usually a property owner that didn't get a permit that appeals the decision but any interested party can appeal a Zoning Officer's decision. Tonight, this is a 3rd party who is appealing an alleged decision that was made by the Zoning Officer.

Attorney, Francis Ballak – Attorney representing the appellant objector who is an adjacent property owner of lot 44, Mr. Thomas Martin who is also here on behalf as a representative of Fairfield Chemical Company which own lots 42 and 45 and Martin Corporation which owns lot 47. All 3 property owners surround the property in question.

All taxes have been paid by Fairfield Chemical Company. Mr. Ballak questioned why the property owner in question came before City Council talking about use issues of the objector and City Council members directed City Legal Council to assist him since City Council has no right to interfere with the duties of this Board with regards to Use Variance, etc. and they should have their Legal Council assist a private citizen in trying to impact his client's property rights. All of this is in the public minutes from the City Council meeting.

Thomas Martin, 15 Oak Drive, Hopewell, NJ – owns 425 S. East Avenue, Bridgeton, NJ

- He received a call from his neighbor in October because there was an issue with a beehive that was in a tree on his property and he asked if it could be removed and that he would be constructing a garage structure in his backyard and he needed to cut trees along their common fence line and asked if Mr. Martin could move equipment that he has stored on his property.
- Mr. Martin purchased his property in 2009 (Exhibit #3). His business, Fairfield Chemical Co. had purchased lot 42 while his business Martin Corporation has owned lot 47 since 1961 and is improved with an industrial facility – approximately 47,000 square foot. When lot 44 became available for sale, he purchased it as his primary residence and concurrently Fairfield Chemical purchased the vacant land which is lot 45.
- Exhibit #1 shows Block 190 on the City of Bridgeton Zoning Map which is designated as Industrial Zone. The map shows that the property in question listed as a church or charity.
- When he bought his property in 2009, lot 43 was listed as Union Baptist Temple Biblical Counseling Center on a large plywood sign. The property was vacant and there would be visits by appointments. No one residing in the house overnight
- In July, 2024 Mr. Martin's video camera at 425 S. East Avenue picked up men sitting on his front porch and were trimming and a hedge roll cut off the electric service to his house. Early August while driving home, and he encountered 4-5 trucks parked on lot 42 and workers were cutting down 6-8 large trees. He inquired as to what they were doing and they called Mr. Oliver and he returned to the property and after speaking with him, I learned he had acquired this property from the church.
- Exhibit #6 is the deed to the property from Union Baptist Temple to Mr. Oliver dated 7/19/24. Exhibit #5 is the deed for the same property when Union Baptist Temple acquired the property in 1966.
- Mr. Martin stated he was surprised that Mr. Oliver stated he had Construction permits from the City to erect some type of garage construction between the house and the

property line since there is very limited access and he believed it should be subject to a zoning variance for approval. He hadn't received any notice or anything. When he purchased his property in 2009, he was told his property was a non-conforming residential use.

- Mr. Martin stated he reached out to the Zoning Officer by email (Exhibit #7) to inquire about the uses for the zone and if the existing structure setbacks would comply and the Zoning Officer stated he was unable to comment without a property survey. Mr. Martin basically expressed his concern that if this was going to be used as a residential property, the applicant should file for a "D" use variance for residential use in an Industrial zone. Mr. Martin also gave the Zoning Officer his position that he lived next door to this property for over 11 years and he questioned how he arrived at this conclusion that it was a residential use and continuing residential use. The Zoning Officer stated not having any records showing the church's use was legitimate and that the residential use would still stand and there was no change of use so he does not require a zoning permit for a residential non-conforming property.
- Exhibits #8, dated October, 2008 & #9 dated October, 2019 are google street view photos that show the usage of this property
- Exhibit #10 is a picture that was taken on 11/1/2024 showing Mr. Oliver constructing a porch and new staircase on the front of his house. This picture was taken to show active construction expansion of the non-conformity forward towards the street. An issue that was also brought up to the Zoning Officer was a large 2-car carport that had been erected in front of the house and encroaching onto his property. The Zoning Officer addressed this and Mr. Oliver moved it to the back of the property.
- Mr. Martin submitted an OPRA request around the time a notice of appeal was filed. The City provided documents that are in the Exhibit list. Exhibit #11 is one of the documents provided and it is a roster of the Zoning Officers of the City of Bridgeton. Exhibit #12 is an inspection activity report dated 1/8/2004 he received when he requested various construction records – this came from the Construction Department. The inspector was listed as David Dean. This is important because per Exhibit #11, David Dean was the Zoning Officer at that time.
- Exhibit #13 is another OPRA request document from the Construction Department dated 1/8/2004 same as the final inspection. It is a certificate of approval and use was listed as A4 use which is Assembly Use not Residential Use
- Exhibit #14 is another OPRA request document from the Fire Department and this annual inspection form listed the property as a Counseling Center and the inspection type it is also listed as non-life hazard use. They are not subject to residential properties.
- Exhibit #15 is a construction permit dated 11/12/2024 to replace siding on the house. Per Mr. Martin, the siding project had basically been completed at this point. The cameras on his house recorded that the siding was ongoing through October.
- Exhibit #16 is an additional page from the Construction office that shows the alterations from 2003 – he believes it was an electrical panel.
- Mr. Martin requested information the tax and utilities payments for the property and Exhibit #17 was provided which shows payment & billing history from 2001 through 2007. And did not show the newer payments.
- Exhibit #18 was an email from Mary Pierce, the Tax Collector and shows more utility payments. The email stated the water service has been off since 1999 and recently had a meter installed in August, 2024 and billing began for water, sewer and trash.
- Exhibit #19 is the Tax Assessor record received in response to the OPRA request. It is the inspection report from 10/31/24 which shows an open porch – the report from 2014 does not show any porch on the house. It also lists the property as a biblical counseling center

- Exhibit #20 is a requested record from the Tax Assessor's office dated 2007 that shows the tax-exempt status because the property actual exclusive use is for biblical counseling.
- Exhibit #21 is a letter from the Tax Assessor dated 10/4/2007 addressed to a Trustee of Union Baptist Temple (UBT) stating in reviewing the tax-exempt status for the property, they denied it because the property had been vacant for over 2 years but prior to that it was exempt when used as a parsonage.
- Exhibit #22 more documents from the Tax Assessor office in respect to the tax-exempt application – these were documents that were submitted by Union Baptist Temple Counseling Center to the City of Bridgeton in order to justify the tax-exempt status and the times they would be providing counseling. They also provided sign-in sheets from 2006/2007
- Exhibit #23 is a letter dated 11/26/2007 from the Tax Assessor, Kevin Maloney to Mr. Street thanking him for the additional information and notifying him that he would be granting tax exemption based on the church's statement that the building would be used as a counseling center.
- Exhibit #24 is a further statement for an organization claiming tax exemption dated 8/21/2020. The box was checked yes to the question are the land and building used exclusively for the original stated purpose and not leased by others.
- Exhibit #25 is an email from the Zoning Officer and response to Mr. Martin's OPRA request dated 10/31/2024. Mr. Martin stated this was a narrative from the Zoning Officer addressed back to the City Clerk and other members of the City and stated Mr. Oliver has never phoned or emailed about this property or made any applications or written communications. Also claims that the house belonged to Mr. Oliver's family member that donated it to the church and that there was no matching zoning permit on file for the property. There were other comments as well.
- Exhibit #26 is information from Union Baptist Temple's website on their history page and they refer to the property as the formal parsonage at 423 S. East Avenue.
- Exhibit #4, 2nd page is the City's non-conformity list dated 6/2024 shows Block 190, lot 43 is listed as in the Industrial zone and per the Zoning Officer he did not inherit any list when he took over his job. Mrs. Gaskill asked on this list, how do they describe the non-conformity – Mr. Martin stated the description is single family residential use. Per Mr. Martin he met with the Zoning Officer and requested documentation that showed the residential use of this property had not been abandoned and he admitted he had no documents to offer the Board to support his finding. Because the property had been non-conforming for so long, even if Mr. Oliver wanted to apply for the certificate the Zoning Officer could not issue it beyond 12 months and the Board would have had to approve the continuation of non-conforming use.
- Mr. Martin stated there was a point the Zoning Officer said he would be unable to make a determination in absence of a raised seal survey. He stated he has a copy of a survey for lot 42 and an old copy for lot 47. This was in regards to the set-back area.
- Mrs. Gaskill asked if there was communication from the Zoning Officer that he made a determination that it was a lawful residential use. Per Mr. Martin, Exhibit #7 the Zoning Officer's reply to an email stated "if you believe this decision was reached in error, you are welcome to appeal to the Zoning Board of Appeals as all citizens are entitled to do however anodically I would suggest in the most friendly way that arguing a residential use neighboring to your residential use is somehow a detriment as likely a waste of your good time and money". The Zoning Officer also stated that he determined as the Zoning Officer that that intent has not been demonstrated and thus the residential use holds and his justification as that the use had not been abandoned. Per Mr. Ballak, he cited to the case law that the burden is on the property owner to establish to the Zoning Officer that

there has not been an abandonment. But the problem now is through this decision, the burden has been shifted to his client to prove that there was an abandonment. Per documentation, that non-conforming use went by the waste side back in 2007 or prior because it was a counseling center not a residential use. There are no documents in records that shows this property had not been abandoned as a residential use since 2007 or prior so the property owner should have been required to come before this Board for a use variance.

- Rick Dawson asked what was the end game or remedy – coming before this Board to get approval of the use? The owner of 423 S. East Avenue should have come before the Board before he bought the property to reestablish it as a residence and put it back on the tax roll. Per Mr. Martin the property owner is subject to a 100' setback.
- Per Mrs. Gaskill, the Objector has come before the Board with sufficient evidence that the residential use was abandoned way back with the parsonage and the burden shifts are with the property owner to come forward to rebut the testimony.
- Mr. Ballak stated his concern is that the record was supposed to have been closed and the Board should rule on what was the record that was utilized by the Zoning Officer in reaching his determination at that time.

Alexander Bowen, City of Bridgeton Zoning Officer

- Per the appellant (applicant) he is an affected party by filing this appeal. Mr. Bowen read the MLU statute 40:55D-4b defines an interested/affected party – “an interest party means in the case of a civil proceeding in court or any administrative proceeding before a municipal agency, any person who right to use, acquire or enjoy property is or may be affected by any action taken or who’s rights to use, acquire or enjoy property under this chapter or any other law of this state or U.S. have been denied, violated, infringed by an action or failure to act under this chapter”. Mr. Martin expressed to Mr. Bowen that his primary concern and why he was an affected party, was that applying this non-conforming use he’s now subject to 100’ setbacks for all of his surrounding industrial properties. The only place where something similar is printed is in schedule 3 of the zoning code which is the setback schedule. It states that the front yard setback is 50’ – the side and rear yard setbacks are 25’. There is a note 20 which indicates that a 100’ setback would apply. It reads “100’ if adjacent to residential uses or zone, none if adjacent to railroads”. All of the properties in control of Mr. Martin are in fact adjacent to railroads so regardless of any adjacent use, Mr. Martin wouldn’t have a side or rear yard setback that applies to his property. Because this use does not affect his setback, he is not an affected party by this adjacent use and does not have the right to make this appeal.
- The burden of keeping a list of known non-conformities is placed on the Zoning Officer but until a property is brought to his attention, it can’t be recorded as a known non-conformity. As properties come across him through conversation, application, email or deliberation, they are placed on the list. A list was not available when he started his position nor was the previous Zoning Officer with the City when he inherited the position
- Mr. Bowen stated the purchase date of the subject property was in July and the emails he had with Mr. Martin he referred to conversations he had with the purchaser, Mr. Oliver in June before he purchased the lot. Mr. Oliver did inquire about the property before he purchased it and wanted to make sure he could use it as a residential property. Per Mr. Bowen, in the zoning records there was no indication that obtained a permit for a sign, a change of use or any other additional use or change to the property – an entire vacancy of records. In the absence of records, he is required to make good faith estimations based on the available information which is the testimony of the person who wants to use the lot,

the architecture of the building and the absence of any record stating it has been used for any other thing.

- In conversation with the Fire Department, they list the use they are inspecting for because that would be the highest amount of safety standards that they have to look for – it does not determine the use.
- October 4, 2007 letter clearly states that the property was a parsonage. There was no running water in the building since 1999 so was there a counseling center since no one can occupy a building for any use without running water. If they did occupy the building, it was illegal.
- Case law in the state of New Jersey has ruled that time is essentially an irrelevant factor in abandonment of use.
- An electric bill that was provided dated 8/31/2007 through 10/2/2007 (Exhibit 22) and it states it is a residential electric service.
- Rick stated he didn't think the Zoning Officer made a wrong decision based on the information available and no mistake was made on the part of the City. But at the same time, the appellant and his attorney argue that it was an inappropriate decision based on the information available at the time.
- Kate stated that the Courts have ruled that the mere non-use of something doesn't necessarily demonstrate abandonment. To abandon it has to be 2 things: an overt act like turning off the water and the other thing is an intent to abandon.

Closing Statements – Attorney, Mr. Ballak

- Mr. Ballak objected to the “hearsay” testimony of Mr. Oliver after the record that the Zoning Officer made his decision on.
- Mr. Ballak also stated that his client's property rights have no significance and he has to come and prove that he has been impacted in some way. He stated his client has standing because his letter to the Board says they are challenging it and the issues was raised.
- Mr. Ballak stated as for the use being abandoned, time does matter and is a consideration that the Board need to take into consideration. And it is not his client's burden to prove it has been abandoned – it is on the property owner to prove that it has not been abandoned.
- Mr. Ballak cited the Berkley Square case (410 NJ Super 255 Appellate Division 2009) – it is the owner of the property that has the burden of establishing a continuation of a non-conforming use.
- Mr. Ballak also cited State vs. Casper (5NJ Super 150 Appellate Division 1949) cites that it is the burden of the owner to establish a right to maintain the non-conforming use.
- He also cited the Township of Strafford vs. Board of Adjustments, (54 NJ 62 1998)
- Mr. Ballak also stated the Zoning Officer did not put any burden on the property owner to show him that the property had not been abandoned. This is why it is arbitrary and capricious and needs to be overturned.

Kate stated that in Exhibit 7, the email Mr. Martin to Mr. Bowen he indicated that his interest is to protect the future industrial use of the property consistent with the zoning. Maggie asked how would the industrial use be preserved? Per Kate, if the use continued then it impacts the future use of the area to a certain extent.

Bob Brewer asked what is the lot size and the Zoning Officer confirmed it is a .4172 acre lot and it would be a non-conforming lot for the zone because it requires 1 acre to be a buildable parcel. Invalidating the current use would mean all development of the lot is locked until a variance is obtained.

Rick Dawson stated the applicant does have standing to bring this before the Board because he wants to preserve the industrial use.

Shelvin Oliver, Owner of the property located at 423 S. East Avenue

- Stated that the water was running but per the Water Department, the meter was not working. They removed the old meter and replaced it with a new one.
- Rick Dawson asked Mr. Oliver about the initial contact he had with the Zoning Officer. He informed the Zoning Officer that his purchase of the subject property and financing was conditioned on whether it could be used as a residence. The Zoning Officer, Mr. Bowen advised him that he had checked all available information sources and based on same, it was still permitted to be used as a residence.
- Mr. Oliver stated he is a member of Union Baptist Temple Church and he knows the property was 100% in use with beds inside because he stayed at the residence prior.
- Kate stated that on 10/13/2024 the Zoning Officer sent an email with his determination that the residential use stands. Then the appeal was filed on 10/31/2024 and it was timely. The next issue the Board has to decide is if the Zoning Officer's determination was arbitrary and capricious. Put this up against the proofs that the appellant presented tonight.
 - Signage issues, building permits and notice of violations from the Fire Department classifying the property for assembly use, the tax records, the water being shut off from 1999, the property record card from the Tax Office indicating that the property was a biblical counseling center, the initial and further statements to receive a tax exemption, documentation from the church indicating the hours of operation of the counseling center and a sign-in log from people utilizing the counseling center
- Kate stated the applicant has carried their burden and we don't have anything contrary to what they put forth – any proofs that indicate that the residential use continued to all the years
 - Robert Brewer stated abandonment means you taken another direction and terminated the opportunity for the previous use. When was the residential use abandoned and was irreversible that you could not go back to it. Per Kate Gaskill, whenever you change with a non-conforming use you lose the non-conformity – you don't get to reinstate it. It was changed from a parsonage residence to a counseling center that went on for many years. Mr. Brewer stated that part of their decision making is also weighing the benefits and harm and there is a harm – which harm is greater. Any harm to a resident is more severe harm then and potential harm to any industrial use.
 - Rick Dawson stated the issue before us is today is the decision made by the Zoning Officer hadn't been made under the circumstances of all the evidence that as presented tonight.
 - Ray Palmer stated besides Ardagh, there has been no businesses or jobs in the area that he can remember. He would love to see future businesses there but not at the detriment of somebody's home.

Open to the Public

- Mr. Thomas Martin, 425 S. East Avenue
 - Wanted to reply to the Zoning Officer's comments and dispute about the side yard setbacks if it's adjacent to railroad. If there is a railroad along the rear of the property, that railroad would apply to side yard setbacks.
 - In regards to no industry being in the area, he stated his grandfather purchased the property and they constructed the warehouse in 1961 and put an addition on it in 1981. At one point they had 500 employees in Bridgeton. They still utilize the building on S. East Avenue on a daily basis for industrial purposes. They have tried to acquire additional land to expand their business

Mrs. Gaskill stated the Board needs to vote whether they will affirm the Zoning Officer's decision that the property can continue as a residence under the status of a preexisting non-conforming use or reverse the decision of the Zoning Officer it's arbitrary and capricious and not supported by the record that was presented here today which indicates that the non-conforming status of the property as a residence has been abandoned.

Raymond Palmer made a motion to affirm the Zoning Officer's Decision that the nonconformity residential use of the and Redonna Bowles seconded. Roll call vote approved with the count – 4 affirm and 3 not affirm – see below:

Rick Dawson	No
Redonna Bowles	No
Sangeeta Scott (originally abstained)	Yes
Maggie DeMarco	No
Robert Brewer	Yes
Raymond Palmer	Yes
Roberta Copeland	Yes

Batten Investment Group, LLC – Application #25-01ZB – 27 Central Avenue – Block 252, Lot 22 – Preliminary & Final Site Plan with Variances – Attorney, Emanuel Sanfilippo, III

Mr. Sanfilippo stated the applicant is seeking a D1 Use Variance relief to build an apartment building in the R1 Zoning District where apartment buildings are not explicitly permitted. They are also requesting a D5 Use Variance relief to permit the proposed (19) apartment units on this (1) lot. A C2 Variance relief is also requested to permit a proposed lot coverage of 32% where 30% is the permitted maximum. Lastly, C2 Variance relief to permit (19) dwelling units in (1) building where only (1) dwelling unit per building is permitted in the R1 district. They are requesting preliminary site plan approval to permit the applicant to construct, establish and maintain a (19) unit apartment complex. (10) units within the existing 1-story formal academic building and (9) units within a proposed 2nd story addition to the existing structure. Of the (10) units proposed, (1) will be a 1-bedroom unit, (1) will be an ADA compliant 1-bedroom unit, (7) will be 2-bedroom units and (1) will be a 3-bedroom unit. On the proposed 2nd story addition, (7) will be 2-bedroom units and (2) will be 3-bedroom units. The property is a 2.76-acre site

Greg Simonds, PE – Ewing Associates – Applicant's Engineer

- This is an existing school building with a stone parking lot and an access driveway going from Central Avenue to Violet Drive

- The applicant plans on using the existing stone parking area and re-paving it. Widening and repaving the existing driveway and provide some additional parking in the rear and side of the building.
- They are proposing (40) parking spaces, (38) are required
- They are seeking a waiver for the width of the driveway entrances
- The applicant will provide an irrigation system and drainage
- They are asking to utilize the existing site sign and move it back onto the property
- Design waiver requests
 - The Ordinance provides a maximum of 35' wide curb cut, the plan proposes a 40' wide curb opening on Central Avenue and a 40' wide on Violet Drive
 - Permit the removal of trees over 5" in caliper – the applicant intends to plant additional trees in the area where the parking lot is proposed
 - To permit the driveway to enter into an arterial street – they are widening to 24' which will go from Central Avenue to Violet Avenue
- They agreed to provide a concrete bollard, engineer's estimate and all outside agency approvals that are required
- The County is requesting road widening – 25' from the center line and concrete curbing along the frontage. Barbara spoke to the County Planner because she was concerned about the trees because the sidewalk is needed and he stated this would be presented to their Planning Board – she is currently waiting on his response. The applicant agrees to provide sidewalk
- Per our Zoning Officer, Alexander Bowen, the only way a trash truck gets off of Violet Drive is through the private access because there is not adequate space in the cul-de-sac for the turnaround
- The applicant agrees to electrical vehicle stations as well as all the landscaping and lighting plan comments

Completeness

Maggie DeMarco made a motion to deem the application complete and Robert Brewer seconded. Roll call vote approved with all in favor.

Zane Batten – Owner of subject property

- Mr. Batten stated that if the extension of the County roadway does not remove the chain link fence, he would be willing to remove it
- Mr. Batten is a builder and contractor – he owns Batten Construction and Batten Enterprise Inc. – he developed the investment group specifically for this project
- He is currently a landlord in the City and he prides his self to provide a quality product. His blueprint shows luxurious quality apartments. He also owns East Commerce Gardens
- There are (2) different buildings – he was told by one of the members of the School Board, that the school was built in the early 1950's and the addition was added on in the late 70's or 80's. They plan to take the roof completely off because of the 2 different heights and add another 8' story to the building.
- Mr. Batten stated they haven't discussed putting solar on the roof but he would be interested to do
- Trash pickup would be outsourced

Joseph Maffei, PP – Engineering Design Associates – Applicant's Planner

- What they are proposing is very consistent with other uses that are already in the vicinity.
- The building is staying as is – it will just go up. All the setbacks are being maintained

- If they can convince the County to waive the curb line, they would love to keep the trees on Central Avenue
- The property will be well landscaped and some additional trees within the facility – will be shown on final.
- They are asking for lot coverage – 32% when 30% is normal. The benefit well outweighs the detriment
- He sees no negative criteria with this project and no substantial detriment to the public good. In the 2008 Master Plan Reexamination, they are hitting on provide affordable housing for Bridgeton residents, promote a variety of housing types, preserve and enhance existing neighborhoods without affecting the properties within the area.
- Sign variance – replace the existing 32 square foot sign with a new identification sign in a location outside the right of way. This will be shown on final

Open to the Public

Karen Higinbotham, 304 W. Broad Street, Bridgeton

- Her property is adjacent to the project and looks out towards the parking lot
- Her concern is their privacy and drainage as well as all of the parking spaces for her to view out her back door – concerned about her privacy
- She has a partial vinyl privacy fence and hedgerows and an opening which is needed to access her property to conduct maintenance on the tree. The applicant and the Board Planner will collaborate with her to address her concerns with either fencing and/or additional evergreens trees and lighting

Thomas Martin – owns 350 W. Broad Street

- When he came to the Board meeting regarding the 24-hour daycare, he remembers there were parking issues and thought the properties were related. Are there any agreements where parking spaces are being double counted between uses? Did the Board approve for a different use in a different parcel? Per Mr. Bowen, Ms. Collins from the Daycare was issued an additional variance because it is exclusively drop off and pickup and staggered time. She also had an agreement with the school to locate the dumpsters on their property.
- Concerned about the drainage issue – please ensure they follow regulations

Variances

1. D-variances – one for the use and one for the density
2. C-Variance – lot coverage is more than that is permitted
3. Sign variance

Sangeeta Scott made a motion to approve the Preliminary Site Plan application with the conditions noted and Redonna Bowles seconded. Roll call vote approved with all in with the exception of Maggie DeMarco opposing

Resolutions

Bridgeton Public Charter School – Application #23-05ZB – Raymond Palmer made a motion to approve the Resolution and Redonna Bowles seconded. Roll call vote approved

Other

None



Bridgeton City Mayor

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J. Curtis Edwards

David Gonzalez

Marian King

AGENDA
CITY OF BRIDGETON ZONING BOARD
THURSDAY – MAY 8, 2025
6:30pm

CALL TO ORDER – Chair

READING OF STATEMENT OF PUBLIC NOTICE - Secretary

ROLL CALL - FLAG SALUTE

APPROVAL OF MINUTES

- **March 13, 2024**

APPLICATIONS

None

RESOLUTIONS

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Block 190, Lot 43

Batten Investment Group LLC, 27 Central Avenue – Application #25-01ZB
Preliminary & Final Site Plan with Variances

OTHER

None

ADJOURNMENT

PLEASE NOTE: Applicants are expected to be present for the hearing.
The Board does not begin any new applications after 10 pm.



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Minutes of the May 8, 2025 Board of Adjustment Meeting

Meeting was called to order by our Board Chairman, Rick Dawson. Statement of meeting notice was read by the Board Secretary.

Those answering to roll call were:

Rick Dawson
Redonna Bowles
Maggie DeMarco
Sangeeta Scott
Robert Brewer
Roberta Copeland (Alternate)

preparation

Approval of minutes

- Minutes from the March 14, 2025 meeting were not available. They will be approved at our next scheduled meeting

Resolutions

Appeal of Zoning Officer's Decision – Block 190, Lot 43 – Redonna Bowles made a motion to approve the Resolution and Maggie DeMarco seconded. Roll call vote approved with all in favor

Batten Investment Group LLC – Block 252, Lot 22 - Application #25-01ZB – Sangeeta Scott made a motion to approve the Resolution and Redonna Bowles seconded. Roll call vote approved with all in favor

Other

None



Bridgeton City Mayor

Albert B. Kelly

Bridgeton City Council Members

Edward Bethen, President

Rosemary DeQuinzio

J. Curtis Edwards

David Gonzalez

Marian King

AGENDA
CITY OF BRIDGETON ZONING BOARD
THURSDAY – JUNE 12, 2025
6:30pm

CALL TO ORDER – Chair

READING OF STATEMENT OF PUBLIC NOTICE - Secretary

ROLL CALL - FLAG SALUTE

APPROVAL OF MINUTES

- March 13, 2025
- May 8, 2025

APPLICATIONS

Mid Atlantic Opportunity Fund LLC
285 N. Laurel Street
Block 266, Lots 14.01 & 15

Application #25-02ZB

D(1) Variance

David Thatcher - Attorney

RESOLUTIONS

None

OTHER

None

ADJOURNMENT

PLEASE NOTE: Applicants are expected to be present for the hearing.
The Board does not begin any new applications after 10 pm.



Bridgeton City Mayor

Albert B. Kelly

Bridgeton City Council Members

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Minutes of the June 12, 2025 Board of Adjustment Meeting

Meeting was called to order by our Board Chairman, Rick Dawson. Statement of meeting notice was read by the Board Secretary.

Those answering to roll call were:

Rick Dawson
Redonna Bowles
Sangeeta Scott
Robert Brewer
Raymond Palmer
Roberta Copeland (Alternate)

Approval of minutes

- Raymond Palmer made a motion to approve the Minutes from the May 8, 2025 meeting and Redonna Bowles seconded. Voice vote approved with all in favor.

Applications:

Mid Atlantic Opportunity Fund LLC – Application #24-02ZB – 285 N. Laurel Street – Block 59, Lots 14.01 & 15 – D(1) Use Variance & Lot Consolidation – Attorney, David Thatcher

Mr. Thatcher the property is located in the R2 medium density residential zoning district. Existing lot 14.01 is approximately 40' x 160' in size with a total lot size of 6,440 square feet. It contains (2) separate detached pre-existing dwellings on the lot. Adjacent lot 15 is 36.25' x 146.85' and is vacant land. The (2) lots are adjacent to each other. The applicant provided surveys of both parcels. The applicant is seeking a Use Variance to permit the (2) existing single family dwellings to be located on a single lot - this is a preexisting non-conforming use.

The applicant wants to consolidate lots 14.01 and lot 15 into (1) lot which will provide advantages because it eliminates some of the bulk variances (side yard and total area) that would be required if this application was only associated with lot 14.01.

There are several bulk variances that are with required with this application:

- Front yard setback where 20 feet is required and only 16.1 feet is proposed
- Side yard setback where 10 feet is required and 5.6 feet is proposed
- Rear yard setback where 30 feet is required and 4.2 feet is proposed

All notices and proof of service were provided to the Board Secretary

Tyler Conlin – Owner of subject property

- Mr. Conlin currently rents out the (2) dwellings on the (1) lot – a 1 ½ story dwelling with (2) bedrooms and in the rear the 2nd dwelling is (1) story with (1) bedroom
- Access to the (2) dwellings are obtained through a driveway off of Laurel Street
- Lot 15 is currently unfinished – once approved, the applicant agrees to put crushed concrete or stone and level it out
- Tenants for the rear dwelling currently park at the side of the house on lot 14.01. The tenants in the front currently park to the right of the house as well.
- The applicant has no intention on expanding and adding additions to these parcels
 - If he were to expand, he would need to come back before the Board for a new use variance
- The concrete drive on lot 14.01 goes all the way back with some vegetation on the side. The applicant intends to abandon the concrete driveway on Lot 14.01 along the northeast side of the property.

Steven Hawk, PP – Professional Planner

- Mr. Hawk testified that this application allows for something better for the neighborhood and will improve safety and will also provide less density for the neighborhood as lot 15 will be eliminated and will not be developed with a single-family dwelling
- It will also encourage transportation routes that promote the free flow of traffic and gives the people that live in these (2) homes to park off the street.
- This consolidation would also ensure the remaining of a maximum of (2) dwelling units versus (3) dwelling units
- There are at least (24) lots that have less frontage than the proposed 76 feet of frontage once combined
- The 1.2 side yard setback that currently exists for the front dwelling goes away and goes to over 37 feet for a side yard. The density is cut in half to 1 dwelling unit per 5,866 sq. ft. – so they are cutting the density in half by combining the lots

Barbara Fegley stated she contacted the City's Tax Assessor and he stated both structures have been taxed and there was never any evidence that the rear structure was a garage. She also suggested the lot 15 (32.5 ft) be stabilized by vegetation and not be completely stoned for a driveway...the applicant agrees.

Mike Fralinger stated a deed description should be provided prior filing

Per Mr. Colin, there was no cross easement with the owner of lot 14 for the driveway.

Open to the Public

No comments

Conditions of approval

- Applicant agreed that the driveway that is dirt driveway on lot 15, will be finished with surface cover and the remainder of the lot will have some grass finish
- Applicant agrees that there will be no expansion of these houses without the applicant coming back in for a variance
- The lots will be consolidated

- The applicant will work with the Board's Engineer to set forth the dimensions of the crushed stone driveway and what finish will be used on the remaining part of the lot
- The applicant will provide a deed restriction for the consolidation of both lots

Raymond Palmer made a motion to approve the Use and "C" variances along with lot consolidation and Sangeeta Scott seconded. Roll call vote approved with all in favor.

Resolutions

None

Other (Meeting was reopened to the Public)

Marvin Blethan – 217 W. Commerce Street

- Sat on the Zoning Board approximately 20 years ago
- Asked about Broad Street School – he currently lives right across the street from the school
- Zoned R1 low density residential single family
- This past fall, the school put in a huge air ventilation handling unit. The past couple weeks, the noise it makes is very loud – he can sit in his bedroom on the backside of his house and the decibel level goes up 10 at night
- They were never sent a notice that they were building this thing and it kicks on and off all night. You can also hear it on Lake Street late at night. A strange humming sound and he's wondering what can be done in regards to the noise. Who can look into this from a zoning standpoint about putting a sound deadening device on the inside of the fence and shrubs to block it from the sight and sound across the street.
- Per Rick Dawson, the installation of the unit didn't require any application to the Zoning Board. Rick suggested he go to the School Board and ask them to put up something and he can also take this before the City Council.
- He also is having issues with the trash receptacles and what is going to be the enclosures around the dumpsters? They currently have no enclosures and the smell is bad and trash goes everywhere. It was also suggested that he reaches out to the Principal at Broad Street School.



Bridgeton City Mayor

Albert B. Kelly

Bridgeton City Council Members

Edward Bethea, President

Rosemary DeQuinzio

J. Curtis Edwards

David Gonzalez

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AGENDA
CITY OF BRIDGETON ZONING BOARD
THURSDAY – FEBRUARY 12, 2026
6:30pm

CALL TO ORDER – Chair

READING OF STATEMENT OF PUBLIC NOTICE - Secretary

ROLL CALL - FLAG SALUTE

APPROVAL OF MINUTES

- June 12, 2025

APPLICATIONS

Batten Investment Group LLC
27 Central Avenue
Block 252, Lot 22

Application #25-03ZB
Final Major Site Plan
Emanuel Sanfilippo III - Attorney

RESOLUTIONS

Mid Atlantic Opportunity Fund LLC – Application #25-02ZB – Block 266, Lots 14.01 & 15
D(1) Use Variance

Re-organizational Meeting

- Chair
- Vice-Chair

2026 Zoning Board Calendar Approval

RESOLUTIONS – Board Professionals

- | | |
|--------------------------------|----------------------|
| • Planner – Barbara Fegley | Resolution #2026-1ZB |
| • Solicitor – Kathleen Gaskill | Resolution #2026-2ZB |
| • Engineer – Mike Fralinger | Resolution #2026-3ZB |
| • Secretary – Roberta Copeland | Resolution #2026-4ZB |

OTHER

None

ADJOURNMENT

PLEASE NOTE: Applicants are expected to be present for the hearing.
The Board does not begin any new applications after 10 pm.