

BRIDGEWATER TOWNSHIP  
**ZONING BOARD OF ADJUSTMENT**

Regular Meeting

April 18, 2023

—MINUTES—

**1. CALL MEETING TO REGULAR MEETING ORDER**

Chairman Foose called the meeting to order at 7:00 pm

**2. ROLL CALL**

Jeff Froose-	Present	Andrew Fresco-	Present
James Weideli -	Present	Gary LaSpisa-	Absent
Donald Sweeney-	Present	Jeff Sicat-	Present
Bruce Bongiorno-	Present	Claudio Vescio-	Present
Pushpavati Amin-	Present	John Gayeski-	Absent
John Kulak-	Absent		

Others present: Board Attorney Rich Oller, Esq., Board Engineer William Burr, IV, PE, Board Planner Ms. Scarlett Doyle, and Zoning Officer Roger Dornbierer.

**3. OPEN TO THE PUBLIC**

Chairman Foose opened the meeting to the public.

With there being no members of the public wishing to speak, the Board closed the public portion.

**4. BOARD MINUTES**

November 1, 2022 Regular Meeting

On motion by Mr. Weideli, seconded by Mr. Fresco, the Board voted to approve the minutes based on the following roll call vote:

Ayes: Mr. Weideli, Ms. Amin, Mr. Sweeney, Mr. Fresco & Mr. Bongiorno

Nays:

Ineligible: Mr. Sicat & Chairman Foose

Abstain:

Absent: Mr. Gayeski, Mr. Vescio, Mr. Kulak & Mr. LaSpisa

**5. RESOLUTIONS**

**REVISED DESIGNATION OF MEETING DATES, TIME AND PLACE FOR 2023**

On motion by Mr. Weideli, seconded by Mr. Fresco, the Board voted to approve the resolution based on the following roll call vote:

Ayes: Mr. Weideli, Ms. Amin, Mr. Sweeney, Mr. Sicut, Mr. Fresco,  
Mr. Bongiorno & Chairman Foose

Nays:

Ineligible:

Abstain:

Absent: Mr. Gayeski, Mr. Vescio, Mr. Kulak & Mr. LaSpisa

## **6. LAND DEVELOPMENT APPLICATIONS**

### **22 GARRETSON F LAND HOLDINGS LLC**

**Block 408, Lot 3 (Route 22 & Garretson Road)**

#22-0027-ZB – Minor Site Plan, Use Variance, Bulk Variance/s

This application was formally withdrawn by the applicant.

### **1251 L BRIDGEWATER LH LLC**

**Block 581, Lot 2 (1251 Route 22 West)**

#22-0022-ZB – Minor Site Plan, Use Variance, Bulk Variance/s

\*Continuance from January 17, 2023

This application was formally withdrawn by the applicant.

### **202 206 F LAND HOLDINGS LLC**

**Block 406, Lot 2.01 (Route 202/206 (West side of intersection at Cornell & Prospect))**

#22-0023-ZB – Minor Site Plan, Use Variance, Bulk Variance/s

\*Continuance from January 17, 2023

This application was formally withdrawn by the applicant.

### **SIGNATURE ACQUISITIONS, LLC**

**Block 206, Lot 3 (1130 Route 22)**

#22-008-ZB – Preliminary Site Plan with Variances

Chairman Foose advised the Board that the applicant is expecting for formally withdraw this application.

### **GATEWAY 70-B**

**Block 221, Lot 1.01**

#21-020-ZB – Request for Extension of Prior Approval

This application was carried to the Tuesday May 9, 2023 Regular Meeting without further notice.

**NATALE CHILDREN LLC/USED CAR DEALERSHIP**

**Block 163.01, Lot 1**

**#22-015-ZB – Application for Certificate of Nonconforming Use/Use Variance**

Mr. Michael Osterman, Esq. was present to represent the applicant. Sworn testimony was provided by Mr. Natale, Owner. Exhibits were entered as follows:

- A-1 Bridgewater Planning response to OPRA requesting minutes or resolutions of the Bridgewater Board of Adjust pertaining to the subject property**
- A-2 Letter from NJ Motor Vehicle Commission (NJMVC) responding to OPRA requesting a used-car dealership license for the subject property between 2003-2016 and 1935-2003.**
- A-3 Copy of NJMVC Dealer Initial License Application Checklist highlighting the requirement of a Municipal Approval Certificate for Business License.**
- A-4 Letter from Travelers Insurance Co. documenting loss of paperwork as a result of water damage.**
- A-5 Copy of Code Enforcement response to review of Natale Children application.**

Mr. Osterman identified the subject site and gave a brief overview of the application.

Mr. Oller advised the Board that the applicant is seeking a certificate of non-conformity and that it is the applicant's burden to prove the non-conformity existed prior to ordinance adoption. After that determination, the Board must determine whether or not the use was abandoned.

Mr. Osterman confirmed he researched the zones for the property dating back to the 1960s. He advised in 1962, this property was placed into the R20 Zone and maintained as a used car dealership prior to the zone change. Mr. Osterman confirmed historical aerial photographs were used to show cars parked on the lot in 1956.

Mr. Osterman introduced and summarized all of the exhibits that were attached to the affidavit as listed above.

Mr. Osterman advised Mr. Natale used the property to receive "for sale" vehicles. Mr. Natale would often meet customers from his other dealerships at the subject site.

Mr. Osterman confirmed the applicant had never intended to abandon the car dealership use.

Ms. Doyle expressed concerns with the site having limousines and opined the owner has changed the use without getting a new license to operate. Ms. Doyle further opined the owner did abandon the use and requires a d(1) use variance to operate.

The Board expressed concerns with the lot having vehicles parked all over and requested the applicant stripe the lot to properly park the vehicles in stalls. The Board then discussed the garbage on the site. Mr. Osterman advised Mr. Natale would require site plan approval and the Board can address the striping, lighting and garbage at that time.

Mr. Osterman confirmed the residence on the property has been used as single-family residence and has had the same tenant for 12 years.

Chairman Foose opened the meeting to the public for questions or comments. With there being no members from the public wishing to speak, the Board voted to close the public portion of the meeting.

The Board deliberated.

On motion by Mr. Weideli, seconded by Mr. Sweeney, the Board voted to approve a Certificate of Non-Conformity with conditions based on the following roll call vote:

Ayes: Mr. Weideli, Ms. Amin, Mr. Sweeney, Mr. Sicat, Mr. Fresco,  
Mr. Bongiorno & Chairman Foose

Nays:

Ineligible:

Abstain:

Absent: Mr. Gayeski, Mr. Vescio, Mr. Kulak & Mr. LaSpisa

**7. OTHER BOARD BUSINESS**

There was no other business.

**8. ADJOURNMENT**

The Board unanimously voted to adjourn at approximately 8:23 pm.

Respectfully Submitted,



Jo-Ann M. Ricks

Deputy Land Use Administrator/Deputy Zoning Officer