

POINT PLEASANT PLANNING BOARD
December 22, 2016

The regular meeting of the Point Pleasant Planning Board was called to order by Chairwoman Bavais at 7pm. Ms. Bavais read the Notice of Compliance, which states adequate notice of the meeting had been given.

Roll Call:

Present: Mayor Sabosik Mr. Furmato Mr. Permuko Mr. Lobravico Mr. Forsyth
Mr. Faraldi Ms. Bavais

Absent: Mr. Vitale Mr. McHugh Mr. Welch

Attorney: Ben Montenegro Engineer: Laura Neumann & Jennifer Beahm

Secretary: Catherine Gardner

Ms. Bavais asked for a moment of the silence for board member, Nick Scarpello, who passed away this week.

MINUTES: The board approved the minutes of November 21, 2016

UNFINISHED BUSINESS

Preliminary/Final Site Plan – Block 112 Lot 65 – 847 Arnold Ave., Applicant: Point Pleasant 847 Properties, Inc.

Daniel Popovitch, attorney for the applicant, appeared before the board.

Peter Gapp, remained under oath for questioning. In response to Mr. Popovitch's questions, Mr. Gapp stated the banquet hall and marina was at the site when he purchased the property in August, 2010, as was the trash compactor. They discussed the garbage area on the Clark's property and also at the condos. Mr. Gapp stated there are two household garbage containers at the condos and a separate container for recycling.

Mr. Gapp stated this is his primary residence, he also has property in Florida and rents an apartment in New York City.

Mr. Popovitch marked as Exhibit A-11 – the deed to Mr. Gapp's property located in Florida, which has a Florida address. They discussed the homestead exemption in Florida and the fact Mr. Gapp claimed the homestead exemption in 2016 citing his Florida address as his primary residence. Mr. Popovitch stated there is a requirement of living 6 months of the year in Florida to claim the exemption. Mr. Gapp stated his wife does, but not himself.

Mr. Reilly objected to the questioning as it is not relevant as to zoning. Mr. Montenegro stated the questioning goes to credibility.

Mr. Popovitch's questions related to the questions asked on the homestead tax exemption. He asked Mr. Gapp about documents submitted to the state in order to receive the exemption.

Exhibit A-12 – blank form of an application for homestead tax exemptions.

Exhibit A-13 – letter from an attorney in Hollywood, FL relating to information that Mr. Gapp & Ms. Perretto have property in Florida and receive the homestead exemption.

Mr. Reilly objected to the letter being submitted. Mr. Popovitch stated that at the last meeting Mr. Gapp gave testimony relating to his primary residence being in New Jersey.

Mr. Reilly questioned Mr. Gapp relating to his time spent at his residences. Mr. Gapp stated he travels to Europe on business, his summers are spent in New Jersey and winters in Florida. New Jersey is their home base when not travelling.

In response to questions from the board, Mr. Gapp stated he lived in Canada for six years , purchased the Florida home and then the New Jersey home.

Mr. Gapp discussed with the board the trash at Clark's, at the condos and the number of residents in the condo complex. Ms. Bavais asked if the garbage smell was garbage or bait; he stated more of a trash smell.

Lisa Perretto, 845 Arnold Ave., #22 was sworn in. Mrs. Perretto stated it is difficult to sleep on weekends with the sound of vehicles travelling over gravel as late as 1am. She stated with two banquet halls, there will be continuous noise on weekends. She doesn't know where all the vehicles will park.

Mr. Popovitch objected – the application meets the ordinance regulations and conditions of the ordinance. Mr. Montenegro stated he would allow the testimony.

In response to Mr. Reilly's questions, Mrs. Perretto stated during a Sat. event during the summer, the event would be from 11am-3pm; the lot is to capacity between the banquet hall and the marina. She has concerns about two halls and the marina and there would not be enough parking.

People in the marina have mostly large trucks and SUV's. She stated most of the events at the banquet hall are on Sat. Mrs. Perretto stated that at the 9/29/2016 meeting, Mr. Truesdale had testified that he cannot enforce parking between the banquet area and the marina.

Mrs. Neumann stated the applicant had an exhibit showing he meets the number of parking spaces according to the ordinance. Mrs. Beahm stated the banquet vs marina areas would be delineated with markers.

Mr. Reilly objected – he stated it seems the Board's staff are prejudice; Mr. Montenegro disagreed stating it was testimony that was given to the board at previous meetings.

In response to Mr. Reilly's questions, Mrs. Perretto stated the cars on the site for hours. If there are two halls, the noise will be constant with no break.

Mr. Popovitch cross examined Mrs. Perretto. In response to his questions, Mrs. Perretto stated the banquet hall and marina were existing when they purchased their condo. She stated the issue is the second hall being built. She stated she travels to Florida often as she cares for her father, who has cancer. She stated she had lived in Florida for 20 years and has family and connections in that state.

Mayor Sabosik asked if the noise is worse or the same; she stated the noise of the vehicles travelling on the gravel seems to be worse. She stated she travels to Florida at different times and adds up to six months.

Mr. Permuko asked if the gravel issue was taken care of, would that solve the problem. Mrs. Perretto stated no, there would still be vehicles and the sound of the buses backing up with a beeping sound and the noise from the parties themselves. She stated she believes the buses cannot make the turn in the driveway and need to back up to negotiate the turn.

Mr. Lobravico asked how many nights on average are spent in New York City; she stated probably 45-60 nights; they have an apartment in Battery Park City.

Mr. Popovitch called James Higgins, Planner, who was sworn in and gave his credentials. He stated he was present at all the master plan hearings. Mr. Higgins stated the banquet hall use does not detract from the marina use. They discussed the marina use and boat storage. He pointed out that the Crystal Point Marina has a successful marina with no boat storage.

Mr. Higgins discussed the zoning as it applies to Lot 65.01; he explained his views on the lot lines and believes it may have been a drafting oversight; the line should be to the middle of the river.

Mr. Reilly stated that Mr. Higgins' view is that zone lines should be to the middle of the river. He also stated that it is an interpretation and should go before the Zoning Bd. of Adjustment. Mr. Higgins stated it was his opinion.

Mr. Reilly and Mr. Higgins discussed the conditional use relating to boat storage and the boat storage at Clark's. Mr. Higgins stated that boats are stored on the Clark's property.

Mr. Higgins stated reducing boat storage does not detract from the marina use. He further stated the State revised its regulations that marinas do not need boat storage. Mr. Reilly asked about the regulations. Mr. Higgins stated it was with his discussions with Mr. Robinson and he relied on his knowledge and did not ask for the regulations in writing. They discussed Mr. Higgins' past involvements with marina uses.

Mr. Reilly called Peter Steck, planning consultant, who was still under oath. Mr. Steck stated the ordinance states no use shall detract from the marina use, "including but not limited to," and the master plan has Lot 65 and not Lot 65.01 listed in the WC zone. He stated the zone line should be interpreted by the Zoning Bd. of Adjustment.

Mr. Popovitch cross examined Mr. Steck. Mr. Popovitch asked if he were correct in stating there is not a definition in the ordinance for a marina; Mr. Steck stated there is not a definition but it is in a separate definition section. Mr. Popovitch mentioned the case laws that were submitted to Mr. Montenegro from both attorneys.

PUBLIC:

Objectors – not in favor of the application:

Frank Pagano, 845 Arnold Ave., Unit #14
Sylvia Ferrie, 845 Arnold Ave., Unit #14

Resident not objecting to application:

Pete Nash, 845 Arnold Ave., Unit #19

In response to Mr. Popovitch's questions, he stated the gravel is not loud and he does not have an objection to the application. He lives on the same corner as Mr. Gapp & Ms. Perretto. He stated there are only two unit owners who object to the application. The banquet hall has been a good neighbor. He stated the only garbage issue was with the condominium's, not the banquet hall.

CLOSED TO PUBLIC

Mr. Popovitch and Mr. Reilly both gave their closing statements.

Mayor Sabosik made a motion to approve the application; seconded by Mr. Furmato

Roll Call Vote:

Mayor Sabosik: Yes Mr. Furmato: Yes Mr. Permuko: Yes Mr. Lobravico: Yes
Mr. Forsyth: Yes Mr. Faraldi: Yes Ms. Bavais: Yes

VOUCHERS:

The board approved the following vouchers for payment:

Montenegro, Thompson, Montenegro & Genz: \$135.00 (PP 847 Prop), \$75.00 (Sailskidive), \$75.00 (Wick It Bad), \$300.00 (Carannante), \$750.00 & \$1,005.00 (General Board CME Assoc. \$170.00 (Wick it Bad), \$275.00 (Carannante)
Remington, Vernick & Vena: \$715.00 (All American Ford), \$325.00 (ACMR), \$260.00 (TFM Bldrs)

There being no further business, Mr. Forsyth moved to adjourn. The regular meeting of the Planning Board adjourned at 10:45 p.m.

Respectfully submitted,

Catherine Gardner
Planning Board Secretary