

BLACK POINT BEACH CLUB - ZONING COMMISSION
PUBLIC HEARING
Saturday, JULY 31st, 2010
MINUTES

A Public Hearing of the Black Point Beach Club Zoning Commission was held on Saturday morning, July 31, 2010 at 9 AM in the Black Point Beach Association Clubhouse located on 6 Sunset Avenue in Niantic, CT.

PRESENT: John Sullivan, Chairman, Marianne O'Neill, Secretary, Steven Reed

ALSO PRESENT: Mary Cahill, Board of Governors Liaison

ABSENT: Ed Cosgrove, Randy Molloy, John Manuck, Alternate; Sharon Sklar, Alternate;
Brain Ewings, Alternate

◆ **Call Public Hearing to Order**

Chairman Sullivan called the Public Hearing to order at 9:00 AM. He introduced the members and asked Marianne O'Neill, Secretary to read the Notice of Public Hearing that was published in the New London Day on July 20, 2010 and July 26, 2010.

Ms. O'Neill, Secretary read the notice of Public Hearing.

Mr. Sullivan noted that a copy of the proposed Zoning Regulation changes was placed on each seat so that everyone would have a copy. He said that the purpose of this hearing is to get comments solely on these proposed regulations and asked that anyone speaking please keep their comments pertinent to the topic. He further asked that anyone speaking please sign in and print their name and address so that they could be duly and correctly listed in the minutes. (Copy of Proposed Changes attached to Minutes)

1. Definitions of Building Height (with Figure), Dwelling, Street Right-of-Way, and Association Right-of-Way

Mr. Sullivan explained that in the first item that they were just adding the word 'and' between 'eaves and the ridge' as it had somehow been lost through other changes. In the second item the word designed should have been removed – both of these items are housekeeping issues. He asked if there were any comments from the public on those items.

Barbara Johnston, 35 Seacrest Ave. said that on the first figure (1-BH) in the attachments that it shows it against a flat roof with three stories and that is against the building code.

Mr. Sullivan said that it is not increasing; it is just a graphic representation of how the building height is determined.

Ms. Johnston said that it should not even be on the agenda as it is against the building code.

George Parsons, 40 Seabreeze Ave. said that he has concerns with the wording as the maximum height says 27' but in the illustrations you could go well in excess of the 27' such as with A-frames and saltboxes. He asked if they had run these proposed changes by the Attorney as he recalled that they have had lawsuits in the past on this.

Ms. O'Neill said that yes – in the case of an A-frame the roofline could get very high but height has been determined in this way for a long time.

Mr. Parsons said that they should look at this and re-word it as there have been issues with it.

Mr. Sullivan explained in the next items that they were delineating between a Street and an Association Right-of-Way (ROW) as there has been confusion on it. He asked if there were any comments.

Barbara Johnston, 35 Seacrest Ave. said that in referring to the Association, as proposed - #14 – are they dropping or adding to the definition.

Ms. O'Neill and Mr. Sullivan asked if she was referring to the Zoning Regulations or the rules of Black Point Beach as #14 is not under the Zoning regulations.

Ms. Johnston said that she did not think that it made a difference as it is still a definition and they are changing it.

Ms. O'Neill explained that that with the street ROW that the property line usually does not start at the street and that it varies with each property.

Mr. Sullivan said that the intent here is only to refer to the Black Point Zoning Regulations.

Ms. Johnston noted that the Black Point rules on Black Point ROW's state that they are not for personal use but only for use by the Association.

Linda Gesualdi, 24 Saltaire Ave. asked how they could address an East Lyme ROW when they are a Beach Association.

Mr. Sullivan said that he thinks the reason is because there are references to property lines and provisions for setbacks on how close you can come to your property line and there is confusion on this as it applies to property. This is an attempt to define those terms where they are used in the regulations.

Ms. Gesualdi said that she just wanted clarification.

Jim Mastria, 38 Whitecap asked what the Town of East Lyme setback is.

Mr. Sullivan said that it varies from property to property and that is something that they would have to get from the Town Hall.

2. Permitted Uses – Clarification of Rental 'Period, Clarification of Home Occupation location

Mr. Sullivan explained 1. on rental period stating that they were changing the rental period to not less than one week. He called for comments.

Tom Sheehan, 18 Indianola Road asked how they would enforce this.

Mr. Sullivan said that it would be by the ZEO or a complaint by another resident.

Mr. Sheehan asked what the intent of this was – to cause problems.

Mr. Sullivan said that it was just to clarify the regulation so they did not have people only staying for a few days.

Barbara Johnston, 25 Seacrest Ave. said that she agreed with Mr. Sheehan.

George Parsons, 40 Seabreeze Ave. said that he also agreed with Mr. Sheehan.

Beth Brucker, 28 South Trail said this change is a problem as there frequently are people who have weddings and they have guests come down for less than a week to stay for the event. She said that she does not see any problems with having people do that and this change would create a problem.

Mr. Sullivan explained that in item 4.b. they were trying to clarify the items that could not be used for a home occupation. He asked if there were any comments.

Barbara Johnston, 35 Seacrest Ave. asked if they have a definition for home occupation.

Mr. Sullivan said that they are not changing the definition; they are only clarifying Item 4.b. and that for the purposes of defining the 25% - the garage cannot be included.

Ms. Johnston asked what about a person with a workshop.

Mr. Sullivan said that a workshop is not being used as a business – it is presumably a hobby.

Ms. Johnston said that she is against this change.

Mary Cahill, 37 Indianola Road said that she thinks that it is a good regulation as she is against home occupations and always has been. She said that they have one commercial property and that is the store. Her firm belief is to throw out home occupations.

Phil Hagaman, 49 Nehantic Drive said that he had a question on the 25% as someone could do 1250 sq. ft. as a home business by how this reads – he asked if they were being generous here.

Mr. Sullivan said that there are other regulations on home occupations that would limit this.

Mr. Hagaman asked what if someone is going to give classes – people could be dropped off and not have to drive in. He suggested that the whole thing should be looked at as a whole as it is a can of worms and they should address it in its' entirety.

3. General Regulations – Clarification of Location of boats on residential lots, Revised regulation for Handicapped Access Ramps in Setback areas

Mr. Sullivan explained that in item 2.b. regarding items that could be stored on a lot and the proposed changes on where the items may be stored and for how long. He said that it is an attempt to clarify the rules that were adopted as part of the regulations. He asked if there were any comments.

Sebastian Sanzaro, 9 East Shore said that the 15' setback is for the front –

Ms. O'Neill said that it is a 20' setback.

Mr. Sanzaro said that he is opposed to the regulation as people with non-conforming lots would not be able to put a boat on it.

Jim Mastria, 38 Whitecap agreed with Mr. Sanzaro and said that even with a 17' boat, they would not be able to store the boat on their yard or get a boat.

Mr. Sanzaro concurred with Mr. Mastria that if they have to stay 15' away and the lot is non-conforming, that they could not have a boat and the regulation is unfair.

Ms. O'Neill said that the purpose is to give the neighbors space to be able to see and not intrude on the view.

Mr. Mastria asked if there has ever been any enforcement of this regulation.

Mr. Sullivan said yes.

Mr. Sullivan then noted that Item 3. on the keeping of pets was an addition to the regulations. In Item 1.B. on landings and Stairs within Setback areas he said that they were not changing any of the wording but just correcting the numbering as it was incorrect. And, with respect to handicap ramps the intent was to make it easier for people who need handicap ramps that would go into the setback area from having to go to the ZBA. Further, it was for a period of 180 days and the change here to two (2) years is also intended to make the process easier. He asked if there were any comments.

Barbara Johnston, 35 Seacrest Ave. said that she does not have a problem with these improvements; the problem came with what the written statement would have to say (in order to qualify for handicapped) which was discussed at the Zoning Commission meetings.

Mr. Sullivan said that the homeowner would have to apply.

Ms. Johnston said that she would agree but she would like to keep it as a 'request'. She asked if there is still a fee for the permit.

Ms. O'Neill said yes.

Ms. Johnston asked what the fee is.

Ms. O'Neill said that she would think that it is \$45.

Ms. Johnston said that she would like to see it set at that fee or have No Fee for this.

Mr. Sullivan said that the fees are set by the Board of Governors so they would have to present that to them to have it changed. They would have to put it to a Public Hearing.

Sebastian Sanzaro, 9 East Shore Drive said that he agrees that the fee should be set at \$45 or that there should be no fee at all.

Mr. Sullivan said that the Board of Governors handles the fee and they would have to go there with the suggestion.

Phil Hagaman, 49 Nehantic Drive asked if all of the design, etc. is at the discretion of the ZEO.

Mr. Sullivan said yes, but within the regulations.

Ms. O'Neill added that it is with respect to the placement.

Mr. Hagaman asked if that was all and not the design or if it is made out of steel, etc.

Mr. Sullivan said that it is strictly with regard to the placement on the property. He added that presumably it would also require a building permit from the Town of East Lyme so any code issues would be handled there.

Mary Cahill, 37 Indianola Road said that a ramp is a ramp and that the rules changed because of her and the fact that she needed one to get her husband into their house. She had one put up and was told to take it down. She said that she commends them on this regulation.

4. The Clarification of interior setback lines for lots merged for Zoning conformance, Clarification of Non-conforming expansion

Ms. O'Neill explained that this change is for clarification purposes only and due to the increase in 1980 of a minimum 8000 sq. ft. lot with 60' of frontage. She used her own lots and the acquisition of the neighboring lot as an example where the interior lot lines would have no zoning significance relative to setback requirements for any building located on the joined property. She asked if there were any comments.

Sue Coggins, 33 Cottage Lane asked if you could sell one of the lots.

Ms. O'Neill said no – if they are non-conforming.

Mr. Sullivan explained that if you join two lots as one lot that for zoning purposes they need not be combined on the land records but because they are joined, the individual interior lot lines cease to exist.

Ms. O'Neill said that the intent is not to have people have to pay legal fees to have it filed on the land records.

Mary Cahill, 37 Indianola Road said that this is a ticklish thing – she said that she has a 40' lot that is separate and that it can never be a stand alone building lot and has no sewer to it so it is taxed less. But with 1980 Zoning, if someone bought a 40' lot across the street, then it is a regular buildable lot. She said that when the beach was laid out that it was set into buildable lots.

Ms. O'Neill explained that if it was a buildable lot then, that it still is one as it is grandfathered.

Mr. Sullivan explained that with respect to the roofline in non-conforming structures that 'volume' was added. He asked if there were any comments.

Sebastian Sanzaro, 9 East Shore Drive said that he is opposed to this as if someone has a non-conforming structure this would let that person increase the value of their home by cutting out an area and adding 'volume' without changing the roof height. They could use an eave or dormer area.

Barbara Johnston, 35 Seacrest Ave. said that she agrees as she does not find a definition of 'volume' and further thinks that they are talking in building terms such as width, height and girth??, depth??

Jim Mastria, 38 Whitecap said that he thinks that as he is on a non-conforming lot that people would be looking to get as big of a house as possible on the lot.

Sue Coggins, 33 Cottage Lane asked if the word 'volume' was put in for a specific reason.

Ms. O'Neill said that it was that way in the other regulations.

Ms. Coggins said that she agrees with the others comments that it should not be there.

5. Administration and Enforcement – Activities for which a Zoning permit is waived

Mr. Sullivan explained that the intent here is to identify those things that people do not need a zoning permit for. He asked if there were any comments

Sebastian Sanzaro, 9 East Shore Drive said that he thinks that this has some major ramifications with respect to the fact that everything that is not listed becomes something that the ZEO who is already out of control, thinks he can go after people for – such as a flag pole, fire pit – items that they discussed at the Zoning Commission meetings but are not mentioning here. He asked if landscaping or a flower box could be structures.

Ms. O'Neill said that flower boxes are addressed in the regulations as well as patios not more than 2". She noted that some people think that 9" is okay. She said that something typically done outside needs a permit – such as a patio over 2" above grade.

Mr. Sanzaro said that there are other things that have been discussed at the Zoning meetings.

Mr. Sullivan said that they are not changing anything; these items have always been exempt.

Mr. Sanzaro said that he thinks that this only benefits the ZEO and not the people.

Mr. Sullivan asked if there were any other comments –

Hearing none – and there being no other business before the Zoning Commission at this Public Hearing Mr. Sullivan called for a motion to adjourn the Public Hearing. He noted that they would be taking up these proposed changes at a Special Meeting of the Zoning Commission immediately following this meeting for those who wished to stay.

ADJOURNMENT

Mr. Sullivan declared the Public Hearing closed and adjourned at 10:12 AM.

Respectfully submitted,

Karen Zmitruk,
Recording Secretary