

**BLACK POINT BEACH CLUB - ZONING COMMISSION**  
**REGULAR MEETING**  
**Friday, AUGUST 27th, 2010**  
**MINUTES**

A Regular Meeting of the Black Point Beach Club Zoning Commission was held on Friday evening, August 27, 2010 at 6 PM in the Black Point Beach Association Clubhouse located on 6 Sunset Avenue in Niantic, CT.

PRESENT: Ned Cosgrove, Chairman, Randy Molloy, Secretary, Steven Reed, John Manuck, Sharon Sklar

ALSO PRESENT: Sebastian Sanzaro, Alternate  
Tom Kelly, Board of Governors Liaison (for Mary Cahill)  
Mike Mullin, ZEO

ABSENT: Brain Ewings, Alternate, Jim Mastria, Alternate

◆ **Call to Order**

The Recording Secretary called the Regular Meeting of the BPBC Zoning Commission to order at 6:05 PM.

**1. Attendance and Establishment of a Quorum, Recording Secretary convenes meeting**

The Recording Secretary noted that five regular members were in attendance and established a quorum.

**2. Election of Officers**

◆ **Chairman**

The Recording Secretary called for nominations for the position of Chairman of the Zoning Commission.

**\*\*MOTION (1)**

**Mr. Molloy moved to nominate Ned Cosgrove for the position of Chairman of the Zoning Commission.**

**Mr. Reed seconded the motion.**

The Recording Secretary called for any other nominations –

Hearing none –

She closed nominations for the position of Chairman and called for a vote on the nomination of Mr. Cosgrove.

**Vote: 5 – 0 – 0. Motion passed.**

Mr. Cosgrove was congratulated and took over the Chairing of the meeting.

◆ **Secretary**

Chairman Cosgrove called for nominations for the position of Secretary of the Zoning Commission.

**\*\*MOTION (2)**

**Mr. Cosgrove nominated Randy Molloy for the position of Secretary of the Zoning Commission.**

**Ms. Sklar seconded the motion.**

Mr. Cosgrove called for any other nominations –

Hearing none –

He closed nominations for the position of Secretary and called for a vote on the nomination of Mr. Molloy.

**Vote: 5 – 0 – 0. Motion passed.**

### 3. Announcements and Public Comments

Mr. Cosgrove said that he did not have any announcements and called for Public Comments.

There were no comments from the public.

### 4. Approval of Minutes

- ◆ July 30, 2010 Regular Meeting
- ◆ July 31, 2010 Public Hearing
- ◆ July 31, 2010 Special Meeting

Mr. Cosgrove called for a motion or any discussion on the July 30, 2010 Regular Meeting Minutes.

**\*\*MOTION (3)**

**Mr. Molloy moved to accept the July 30, 2010 Regular Meeting Minutes as presented.**

**Mr. Reed seconded the motion.**

**Vote: 5 – 0 – 0. Motion passed.**

Mr. Cosgrove called for a motion or any discussion on the July 31, 2010 Public Hearing Minutes.

**\*\*MOTION (4)**

**Mr. Molloy moved to accept the July 31, 2010 Public Hearing Minutes as presented.**

**Mr. Reed seconded the motion.**

**Vote: 5 – 0 – 0. Motion passed.**

Mr. Cosgrove called for a motion or any discussion on the July 31, 2010 Special Meeting Minutes.

**\*\*MOTION (5)**

**Mr. Molloy moved to accept the July 31, 2010 Special Meeting Minutes as presented.**

**Mr. Manuck seconded the motion.**

**Vote: 5 – 0 – 0. Motion passed.**

### 5. Report of the Zoning Enforcement Officer including Commission action as required

Mr. Mullin gave a report on the items that are still pending and said that he would go out during the following week and be able to sign off and take pictures of some of them and hopefully close them out. He said that there are still the outstanding issues regarding 9 East Shore and 63 East Shore.

He then gave the report on the bushes that grow out into the road and said that he had emailed all of them a 'Line of Sight' report with the suggestion that they should get the Board of Governors and the Town Board of Selectmen together to agree that there are unsafe lines of sight due to people planting in the Town Right of Way and have the Town notify those people to either replant within their lot line or the Town would give permission to the Association to cut the plants and the owner would be billed for the work.

Mr. Molloy asked if anyone on the list has bushes that the Beach Association controls.

Mr. Mullin said no.

Mr. Cosgrove asked if what they did in notifying the people to trim their bushes had worked.

Mr. Mullin said that for the most part that it did but they have to keep in mind that it had rained and that they grow back and have to be constantly maintained. He then asked about Executive Session for discussion on 9 East Shore and 63 East Shore.

Mr. Cosgrove said that he believes in Executive Session only for discussion on pending litigation and personnel issues and that he will stick to that. They can discuss the two items in question under Old Business by motion.

**\*\*MOTION (6)**

**Mr. Molloy moved that discussion on 9 East Shore Drive and 63 East Shore Drive be added to Old Business on the agenda.**

**Ms. Sklar seconded the motion.**

**Vote: 5 – 0 – 0. Motion passed.**

## **6. Old Business**

### **◆ 9 East Shore Drive**

Mr. Mullin explained that he had sent the certified letter regarding work being done without a permit and that the time on it had now expired. He said that he has repeatedly kept in touch with the ZBA Chairman, Mr. Willetts to see if he had been approached to file an appeal of this decision and that Mr. Willetts said that he had not. Discussions that he has had with the owner have not worked. He said that in the letter he cited two criminal statutes that are being violated.

### **◆ 63 East Shore Drive**

Mr. Mullin said that he had had discussions with the owners and that things seemed to be making headway until the issues of 48 East Shore Drive came up. He has sent a certified letter outlining the violation and they had 30 days to appeal and they have not as he has checked with Mr. Willetts on this also. He said that they need to take the next step here for the integrity of the regulations.

Mr. Cosgrove asked if any of these people went to the ZBA.

Mr. Mullin said no, that he has checked with Mr. Willetts and that the clock has run out on both of them and that the Commission has to decide where to go next. He said that his recommendation is to issue a Cease & Desist and give them 10 days to comply or institute a daily fine by way of the Attorney for non-compliance.

Mr. Cosgrove said that he was not anxious to spend money on an Attorney and asked Tom Kelly, the Board of Governors Chairman how he felt about spending the Association's money for Attorney fees on matters such as these.

Mr. Kelly said that he would not answer for the Board of Governors but would be happy to put it on the agenda of the next Board of Governors meeting for the Board to discuss as a whole and that he and Mr. Molloy could attend and fill them in on what has transpired.

Ms. Sklar asked what the violation is for 9 East Shore Drive.

Mr. Mullin said that it involves walkways, a patio, a burn pit in the back yard and a shower.

Mr. Cosgrove asked about the sidewalks and the patio and if they are at grade.

Mr. Mullin said that there are only four (4) things that they do not need to get a permit for.

Mr. Cosgrove said that he is trying to understand that these items involve a failure to get permits and asked about the pit –

Mr. Mullin said that the owner said that he does not feel that he needs a permit.

Ms. Sklar noted that a fire pit can be moved and taken in after the season.

Mr. Cosgrove asked about 63 East Shore and if that is the same issue.

Mr. Mullin said that the shower stall on the east side is a setback violation and that the pit in the back yard needs a permit. He said that they now need to send the 10-day letter.

Mr. Reed said that the consensus of the Commission was to speak with the Board of Governors regarding legal action or how to go forward.

Mr. Cosgrove asked Mr. Kelly if this would be put on the Regular Meeting agenda for September.

Mr. Kelly said yes and said that the meeting is September 23, 2010.

Mr. Reed asked about 12 Seaspray and the piles of dirt.

Mr. Mullin said that there is a boat under the piles of dirt and other debris.

Mr. Cosgrove asked if there were any complaints from the neighbors.

Mr. Mullin said not directly.

Mr. Cosgrove said that he recalled that people have spoken at the Board of Governors meeting about a blight issue and asked Mr. Kelly what they had discussed.

Mr. Kelly said that he has spoken with Attorney O'Connell about it and he expressed that some issues could refer to the Health department and that the whole situation becomes involved in that you would have to appoint a Health Officer. The basic suggestion was that they should try to work these situations out.

Mr. Mullin said that with no offense, the attorney said that because these cases typically do not bring them much money.

Mr. Manuck noted the mess of things stored at the top of Billow Road that the Association owns and said that if the Association can't fix its' own property then it is tough to get people to fix theirs.

Ms. Sklar suggested that they could put for discussion under Old Business on the next agenda the possible process on cleaning up properties and looking seriously at the issues of outdoor showers as this is a beach community.

Mr. Cosgrove said that while they have previously looked at the outdoor shower issue, they could revisit it again.

#### **7. New Business**

There was none.

#### **8. Next Meeting**

Mr. Cosgrove noted that their next meeting is listed for Saturday, September 26, 2010. He asked the preference of the Commissioners regarding holding it on Friday night instead.

The consensus of the Commissioners was to hold it on Friday night.

#### **\*\*MOTION (7)**

**Mr. Manuck moved that the September meeting of the Commission be held on Friday September 24, 2010 at 6 PM in the Black Point Beach Association Clubhouse.**

**Mr. Molloy seconded the motion.**

**Vote: 4 – 0 – 1. Motion passed,**

**Abstained: Ms. Sklar**

#### **9. Public Comments – limited to agenda items**

Mr. Cosgrove called for comments from the public.

Barbara Johnston, 35 Seacrest Ave. said that she believes that with regard to the term 'volume' that it involves the whole house and that it would not be expanded.

Mr. Cosgrove said that he understood that it would be like a Cape style adding extra area.

Ms. Johnston said that she could not understand the second floor reference.

Mr. Cosgrove said that is because most often people increase the second floor area.

Ms. Johnston said that she questions where the BP ZEO gets his rules and concepts from and that she would be happy to give the Commissioners a copy of what the ZEO job description is as it appears that he has adopted his own way of doing things rather than acting in the best interest of the Black Point members.

Mr. Cosgrove asked Mr. Mullin if he had any comment.

Mr. Mullin said that he is following the process and explained where he was in the process.

Ms. Johnston said that her bottom line is that she does not want the Association to have to pay anymore attorney fees.

Sebastian Sanzaro, 9 East Shore said that he was speaking as an owner and that in the BP zoning regulations with regard to structures that patios, walkways and driveways are not structures. With respect to this property, the patios and walkways were done in May of 2009 – so why is a letter coming now. Further, the ZEO sends a letter, waits, then sends another letter and then asks the Commission what to do – the Commission should be deciding. Further he said that when he purchased the property that the shower enclosure was on the property at that time and that he had pictures to prove it but the ZEO will not listen and he has also gone (behind his back) to the Town Building Official and told him that work is being done without a permit and that it is not being inspected when in fact a permit was pulled. He has been trying to discredit him with the Town regarding things inside of the house which are not under the purview of the ZEO to begin with. With regard to landscaping it does not concern the ZEO and driveways are something that the Town

Highway has people pull permits. To have people pull them here is only to the benefit of the ZEO. Also, here a structure could be anything.

Mr. Mullin said that he wanted them to discuss this in Executive Session.

Ms. Sklar said that they have heard many times about structures and flagpoles and that she thinks that they have to look at logical avenues on what a structure is.

**ADJOURNMENT**

Ms. Cosgrove called for a motion to adjourn.

**\*\*MOTION (8)**

**Ms. Sklar moved that the Regular Meeting of August 27, 2010 be adjourned at 7:13 PM.**

**Mr. Manuck seconded the motion.**

**Vote: 5 – 0 – 0. Motion passed.**

Respectfully submitted,

Karen Zmitruk,  
Recording Secretary