

Aug 25, 2014 AT 10:00 AM/PM
Bessley Albani
EAST LYME TOWN CLERK

**BLACK POINT BEACH CLUB - ZONING COMMISSION
REGULAR MEETING
Friday, AUGUST 15th, 2014
MINUTES**

A Regular Meeting of the Black Point Beach Club Zoning Commission was held on Friday evening, August 15, 2014 at 6 PM in the Black Point Beach Association Clubhouse located on 6 Sunset Avenue in Niantic, CT.

PRESENT: Ned Cosgrove, Chairman, Steve Reed, Secretary, Sebastian Sanzaro, Angela Taylor, Alternate, Jim Mastria, Alternate

ALSO PRESENT: John Manuck, Alternate
Mary Cahill, BOG Ex-Officio
David Murray, BP Zoning Enforcement Officer

ABSENT: Sharon Sklar, Mike Cenci

1. Call to Order

Mr. Cosgrove called this Regular Meeting of the BPBC Zoning Commission to order at 6:02 PM.

2. Attendance and Establishment of Quorum

Mr. Cosgrove said that they have enough members between regular and alternates and sat Angela Taylor, and Jim Mastria, alternates at the table. He noted a quorum was present.

3. Election Of Officers

Mr. Cosgrove called for nominations for the position of Chairman of the Zoning Commission for the upcoming year.

****MOTION (1)**

Ms. Taylor nominated Mr. Cosgrove for the position of Chairman of the Zoning Commission for the upcoming year.

Mr. Sanzaro seconded the motion.

Mr. Cosgrove called for any other nominations --

Hearing none,

He called for a vote on the motion --

Vote: 5 - 0 - 0. Motion passed.

Mr. Cosgrove called for nominations for the position of Corresponding Secretary of the Zoning Commission for the upcoming year.

****MOTION (2)**

Mr. Cosgrove nominated Mr. Reed for the position of Corresponding Secretary of the Zoning Commission for the upcoming year.

Ms. Taylor seconded the motion.

Mr. Cosgrove called for any other nominations --

Hearing none,

He called for a vote on the motion --

Vote: 5 - 0 - 0. Motion passed.

Mr. Cosgrove asked that they take care of Old Business first as Mr. Reed has to leave soon for another engagement.

4. Correspondence and Announcements

Mr. Cosgrove said that he received an email from Mr. Massey asking them to consider banning construction in BP between July 1 and August 31.

Mr. Cosgrove said that he spoke with Attorney O'Connell regarding this suggestion and was informed that it is a matter for the Board of Governors so he will turn that over to them.

He said that Mr. Massey also made the suggestion that those who violate the no construction rule be fined and a lien is placed on their property if they should fail to follow the ruling.

It was noted here that people could not be prohibited from doing routine repairs that affected their health and safety such as leaking roofs, trees falling on homes, etc.

Mr. Cosgrove said that he had also run this by our Attorney who said that this is a matter for the Board of Governors and cautioned that if they are going to levy fines against properties that they also need to hire a 'judge' as the people have the right to appeal and be heard fairly.

He said that he would forward the suggestions to the Board of Governors for their review.

Mr. Cosgrove said that he also received an email from Ms. Johnston regarding our noise ordinance and that she had contacted Mr. Murray and had not received a response.

Mr. Murray said that he had responded to Ms. Johnston the very next day.

5. Public Comments

Mr. Cosgrove called for comments from the public.

Kim Craven, 46 East Shore said that it was mentioned that there were two properties on East Shore that would not fall under the vertical elimination and asked which two they are.

Mr. Sanzaro said that he did not know the numbers – one is at this end and the other at South Beach. He maintained that 40% of the houses are on non-conforming lots.

Bill McDowell, Saltaire Ave. said that he has been listening to what is going on here tonight and feels that they should enforce their rules and stop making exceptions for people. He said that when he came here 60 years ago he knew what he had and what he could and could not do and at that time he could not get a variance for 14" to have an outside chimney and now people want whole second stories when they knew they could not have them. He said that he is tired of seeing the rules change for the benefit of certain people and that it does not make any sense.

Mr. Cosgrove explained that the recourse to be heard for variations from the rules is the ZBA.

Kim Craven, 46 East Shore said that she recalled that a couple of years ago it was brought before the Board of Governors about the no construction during the summer and no one was in favor of it. She also asked about the size of sheds – 8 x 10 x 12.

Mr. Cosgrove said that it does not matter how the dimensions are used.

Ms. Cahill explained that was an error from some time ago and has remained in that format.

Mr. Murray said that it is usually understood as L x W x H.

Ms. Johnston, 35 Seacrest Ave. said that she would like to have Mr. Massey with his ideas present them at a meeting as she comes to meetings regularly and he does not. She also said that she wants them to make it clear that construction at BP is from 8 AM to 6 PM.

Mr. Murray said that he does make that clear to the contractors and that it has also been in the Black Pointer for a couple of weeks now. He said that he would put it on the permits and see if that helps.

6. Approval of Minutes

July 18, 2014 - Regular Meeting

Mr. Cosgrove called for a motion or any discussion or corrections to the July 18, 2014 Regular Meeting Minutes.

Mr. Sanzaro said that he objected to all of the comments with respect to the vertical elimination discussion and that Mr. Cosgrove and Mr. Murray have agreed with him.

Ms. Cahill explained that the Recording Secretary was hired as her work is exceptional and they had an instance where a tape did not work properly for a ZBA hearing and the case went to court on appeal and the Judge used her minutes for the case and Black Point prevailed.

Ms. Johnston said that they did not provide copies of the minutes at this meeting.

Mr. Cosgrove said that he would table discussion so that everyone would be able to read the minutes and more people who attended that meeting were present. He also noted that Mr. Reed had been on vacation and he had received only certain items from him for the meeting. He had made copies of those items that he had received.

7. Report from Zoning Enforcement Officer

Mr. Murray reviewed his report. (Attached to end of Minutes) He said that there were very few new permits. He noted a complaint about camping trailers on Sea Spray however when he went to look at them, they do fall within the regulations.

Ms. Cahill asked about the 'underground garage' on Sunrise.

Mr. Murray said that what they are proposing to do is to raise the house up and put a garage in and put the house back down on it.

Ms. Cahill asked about bushes at the street corners and if perhaps there should be more than 10' of clearing. Mr. Cosgrove said that at the street corners and stop signs that most of that area is Town property so perhaps the Town should just cut them if they are in the way. He also said that the stop signs vary in their distance from the corners.

8. Old Business

- **Continue Discussion of Proposed Regulation Changes -**
 - **Is there a need for a Public Hearing?**

Mr. Cosgrove explained that all of the items that they had discussed except for Section 6 – Item 7a – the elimination of the word vertically with respect to a non-conforming building were housekeeping items and therefore did not require a Public Hearing. He asked if they wanted to put the one item to Public Hearing as it would be the only one and called for a motion for discussion on this item.

****MOTION (3)**

Mr. Sanzaro moved to send to a Public Hearing, the proposed change to Item 7a in Section 6 to eliminate the word vertically so that a non-conforming building could be enlarged vertically.

Ms. Taylor seconded the motion.

Mr. Cosgrove called for discussion.

Ms. Cahill said that she is not in favor of this proposed change at all and explained the history of why they had non-conforming homes (prior to any zoning) and what they did in 1980 when water and sewer was coming. The BOG and Zoning met as they had 40' x 100' lots and they were worried about small houses being built on top of each other so they came up with the regulation (which she also is subject to as she owns the 40' lot next to the lot that she lives on) that any 40' lots adjacent to an owner's property was non-buildable and became substandard lots and would not have sewer hook-ups so they could not be built upon. Further on the stand alone 40' x 100' lots the house could be 20' wide maximum. The goal was NOT to have little allies between houses.

Mr. Manuck said that he does not agree with this elimination and allowing a non-conforming house to increase the non-conformity. He said that when he bought his home that he understood what he could and could not do and that is the way that it is and he does not agree with changing things when it is the responsibility of the people to know what they are buying.

Mr. Sanzaro said that he is in favor of this change and that 40% of the lots in BP are non-conforming according to the GIS. All of the properties on East Shore except for two fall under this. This would be going from livable space to more livable space and it is for people who did not happen to have a second story. He said that he would leave this up for decision at public hearing.

Ms. Taylor said that she was not at the last meeting however; her gut feeling would be to say that she is not in favor of this change. She has a large lot and has been able to enlarge her home however, they bought the larger lot for that reason.

Mr. Mastria said that he comes from the smaller lot originally so it would affect him and showed a rough drawing of a 'wedding cake' (indented second story design) that would have to be put on.

Mr. Cosgrove noted that the buildable 40' lots are granted a variance for a 10' side yard setback so that they can put a 20' wide home.

Ms. Cahill recalled that Ms. Taylor had said that she wanted to decrease the buildable lot coverage from 35% to 25% to allow for more bushes and open area and that zoning is about light and air.

Mr. Reed said that everything that he would have said has already been said with regard to this item.

Mr. Cosgrove said that he does not feel that there is enough support on the committee to move this forward and called for a vote on the motion.

Vote: 1 – 4 – 1. Motion failed.

For: Mr. Sanzaro

Against: Mr. Cosgrove, Mr. Reed, Ms. Taylor, Ms. Cahill

Ms. Cahill noted for the record that she voted against this item and that as an Ex-Officio, according to Roberts Rules that she does have the right to vote and is exercising that right here.

Abstained: Mr. Mastria

Mr. Reed left the meeting and Mr. Manuck, Alternate was seated to replace him.

Mr. Cosgrove noted that the other items were housekeeping and did not require a public hearing.

9. New Business

There was none.

10. Next Meeting of the Commission – 9/19/2014

Mr. Cosgrove said that their next meeting is on Friday September 19, 2014.

10. Public Comments

Mr. Cosgrove called for any comments from the public.

Barbara Johnston, 35 Sea Crest Ave. said that she wanted to thank them for not going to a public hearing for the elimination of vertical with respect to non-conforming properties. She noted Pine Grove properties and what they look like and how close they are to each other and said that is what we would look like. Further, according to Mr. Sanzaro and the homes that he is citing; it seems that they were built way before zoning came into being. She also said that at a ZBA hearing that she had heard it clearly stated that Ms. Farley was not to plant shrubs in the Town right-of-way area so it is not the Stop sign that is the problem but the shrubs that she planted there that cause a site line issue. There is also a camping trailer at Seacrest & Sunrise.

Kim Craven, 46 East Shore said that at the last Board of Governors meeting that they had spoken about having some land surveyed and selling it and how much they would get from the homeowners and if there was enough profit that they would re-survey the right-of-ways. She asked if any of that falls here with Zoning.

Mr. Cosgrove said no and yes. Zoning does not have anything to do with the land surveying or sale of property to owners who are adjacent to it. That is the Board of Governors. With respect to the surveying of the right-of-ways, he said that he did request that it be done so that we would know where the BP property is and where the adjacent owners' is as there seems to be confusion over it and bushes and personal items have been placed in the right-of-ways.

Ms. Cahill explained that the right-of-ways will be surveyed and that letters have been sent to all of the property owners adjacent to them regarding items that have been put or planted in those areas.

11. Executive Session if Necessary

Mr. Cosgrove said that he did not have anything.

12. ADJOURNMENT

Mr. Cosgrove called for a motion to adjourn.

****MOTION (4)**

Mr. Mastria moved that the Regular Meeting of July 18, 2014 be adjourned at 7:25 PM.

Mr. Sanzaro seconded the motion.

Vote: 5 – 0 – 0. Motion passed.

Respectfully submitted,

Karen Zmitruk,
Recording Secretary

Note: ZEO Report Attached

August 2014

**Zoning
Projects 2014**

App'l No.	Date	Address	Name	Map/Block	Project	Fee	Appr/Denied	Status
	9/17/13	16 Osprey	Villecco	5.19/100	New house	600	A	In progress
	10/8/13	29 Sunset	Stevens	5.14/128	New deck	75	A	In progress
DM-2	11/18/13	21 Ridge Trail		?	Generator, LPG tanks	45	A	Needs screening, landscaping
DM-7	1/1/14	10 Seaview	Ladegard	5.15/35	New house	600	A	In progress
DM-10	2/22/14	4 Seabreeze	Arcata	5.15/54	New house	600	A	In progress
DM-14	3/14	39 Woodland	Carlson	5.10/5	Add garage/bdrm	600	A	In progress
DM-18	5/22	21 Indianola	Steele		Fence	150	A	
DM-19	5/25	23 Nehantic	Quick		Deck	75	A	Orig plan revised
DM-20	6/16	21 Ridge Trail	Donovan	?	Heat/cooling system	150	A	
DM-21	6/16	41 Sunrise	Bedrossian	5.14/97	Enclosed screen existing deck	150	A	
DM-23	7/4	10 Seabreeze	Green		Fence	45	A	
DM-24	7/23	25 Nehantic	Lee	5.10/50	Fence	45		
DM-25	7/27	40 Sunrise	Collelo		Underground garage	450	A	
DM-26	8/4				Compressor	150	A	
DM-27	8/14	50 Bellaire	Sulpician	5.10/97	Gazebo	150		

August 2014

Attachment ZEO submitted BPZC