

**BLACK POINT BEACH CLUB - ZONING COMMISSION  
REGULAR MEETING  
Friday, JULY 18th, 2014  
MINUTES**

A Regular Meeting of the Black Point Beach Club Zoning Commission was held on Friday evening, July 18, 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,  
Mike Cenci

**ALSO PRESENT:** David Murray, BP Zoning Enforcement Officer

**ABSENT:** Sharon Sklar, Jim Mastria Alternate, Angela Taylor, Alternate, John Manuck,  
Alternate

**1. Call to Order**

Mr. Cosgrove called this Regular Meeting of the BPBC Zoning Commission to order at 6:03 PM.

**2. Attendance and Establishment of Quorum**

Mr. Cosgrove said that they have four regular members seated and therefore a quorum was present.

**3. Correspondence and Announcements**

Mr. Cosgrove said that he did not have any correspondence or announcements.

**4. Public Comments**

Mr. Cosgrove called for comments from the public.

Barbara Johnston, 35 Sea Crest Ave. said that the bushes at the corner of Sunrise and Sea Crest Ave. are so high that you cannot see if any traffic is coming. She added that the bushes were planted in the Town right of way and asked that they be looked into as they are a hazard.

Mr. Cosgrove suggested that as they are on Town property that she contacts the Town regarding site lines and their policy on bushes.

**5. Approval of Minutes**

**June 20, 2014 - Regular Meeting**

Mr. Cosgrove called for a motion or any discussion or corrections to the June 20, 2014 Regular Meeting Minutes.

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

Mr. Reed moved to accept the June 20, 2014 Regular Meeting Minutes of the Commission as presented.

Mr. Cosgrove seconded the motion.

Vote: 4 – 0 – 0. Motion passed.

**6. 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 a fence and porta-potty on a property on Sea View Ave. and that he has spoken to the people and both are being removed. He added that the property is to be developed in the future.

A question was asked regarding if 22 Brightwater had called for the CO on the extensive renovations that were done as lights have been seen there at night indicating that it is being lived in.

Mr. Murray said that he has not been called to inspect and issue a CO yet but he would look into it.

## 7. Old Business

- **Continue Discussion/Review of 2012 Zoning Regulations**
  - **Section VII and review of previously mentioned items**

Mr. Cosgrove said that this section regarding Administration and Enforcement should remain as it is. Additionally there has to be a Zoning Board of Appeals for people whose permits are denied should they choose to appeal the decision. The ZBA is a legal board and their decisions become a part of the land record.

Mr. Reed asked Mr. Murray if he informs people that they cannot start working before 8 AM when they pull permits.

Mr. Murray said that he does. He added that he does let the contractors who mow lawns know that they cannot start before 8 AM however; that is a constant enforcement issue.

### Review of suggested changes – sheet compiled by Mr. Reed:

- **Page 15 – Section 6 – Item 7a – eliminate the word vertically.** (allowing a non-conforming home to add a non-conforming second story)

**Discussion:** Mr. Cosgrove said that he was not comfortable with this elimination as there are properties that are really close to each other and this would be a matter of literally being able to reach out and touch your neighbor. Further – the purpose of Zoning is to eliminate non-conformities rather than to increase them and this would greatly be increasing a non-conformity.

Mr. Murray said that while ‘indenting’ the upper lever may not be desirable that it could be achieved tastefully as can be evidenced by properties within the community. Further, people are taxpayers and the affected neighbors would not be very happy with someone 2’ or 5’ from them looking in their windows being allowed to increase a non-conformity.

It was mentioned that the remedy for this already exists in going before the ZBA as the ZBA being a legal Board decides each case individually on its own merit.

Mr. Sanzaro said that he wanted to eliminate having to pay a hearing fee to go before them.

Mr. Cosgrove said that they could present it for discussion but that they did not have to approve any change.

- **Definitions:**
- **Page 2 - Building Height** – redraw Figure I-BH so that it is more understandable. Mr. Murray said that he would undertake this project.
- **Page 5** – Add the words: ***‘or Black Point’*** to the Street Right-of-Way definition in the first line.
- **Page 5** – under Terrace/Patio – change to read: ***‘A level, landscaped and/or surfaced area located at no more than two inches (2”) above grade with no roof and no structural supports other than subsurface materials.’***
- **Pages 7 & 8 - Sections III & IV - Residence District and Business District – General Housekeeping** – **ALL items remain the same** except that they are re-arranged so that the permitted uses for each are under that respective area – ie. – Residence District has the permitted uses listed under it and Business District has the permitted uses listed under it instead of being separated and confusing.

Mr. Cosgrove said that their Attorney had advised him to run from any type of blight issues as they typically lead to lawsuits when others personally make determinations regarding properties that are not theirs. Further they have enough in their regulations to be able to address many vehicles on a property, etc.

With regard to the other items, it was felt that they were already adequately addressed within the regulations and that they would only be serving to confuse by adding the same language to another area. In the matter of reducing the lot coverage from 35% to 25% it was felt that most of the lots are small already and this reduction would further restrict people the use of their property.

It was discussed that only the changes to the definitions would have to be noticed as the Sections III & IV are general housekeeping issues with no changes other than to make it more readable.

Mr. Cosgrove asked that a copy of the Town Noise Ordinance be sent to the webmaster to post separately on the website so that it would be available for people to read.

**8. New Business**

There was none.

**9. Next Meeting of the Commission – 8/15/2014**

Mr. Cosgrove said that their next meeting is on Friday August 15, 2014. He suggested that they could hold the Public Hearing on the changes on August 16, 2014 or they could decide that at their next meeting. They would need a minimum of three days to notice the hearing.

**10. Public Comments**

Mr. Cosgrove called for any comments from the public.

Barbara Johnston, 35 Sea Crest Ave. said that she felt that they should add the FEMA issue to the regulations. She also asked if they have caught the person who had an AC unit in their garage and if they have corrected that situation. She lastly said that she wanted them to post the noise ordinance and to stress the hours of work/construction to the contractors.

**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 (2)**

**Mr. Sanzaro moved that the Regular Meeting of July 18, 2014 be adjourned at 7:35 PM.**

**Mr. Cenci seconded the motion.**

**Vote: 4 – 0 – 0. Motion passed.**

Respectfully submitted,

Karen Zmitruk,  
Recording Secretary

Note: ZEO Report Attached

**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
	10/26/13	22 Brightwater	Malloy	5.19/70	Addition	600	A	In progress
DM-2	11/18/13	21 Ridge Trail		?	Generator, LPG tanks	45	A	Needs screening, landscaping
DM-3	11/30/13	26 Whitecap	Adams	5.14/45	LPG tank	45	A	Needs screening
DM-5	12/20/13	39 Whitecap	Colangelo	5.14/39	2nd floor add.	600	A	In progress
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-22	6/27	13 Sunset Ave.	Willetts	5.10/1	Law office	10	A	
DM-23	7/4	10 Seabreeze	Green		Fence	45	A	

July 2014 ZEO Report

BPEC  
7/18/14  
mtg.