

BLACK POINT BEACH CLUB - ZONING COMMISSION
REGULAR MEETING
Friday, APRIL 29th, 2011
MINUTES

A Regular Meeting of the Black Point Beach Club Zoning Commission was held on Friday evening, April 29, 2011 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, Chairman, Board of Governors, Ex-Officio
Mike Mullin, ZEO

ABSENT: Brian Ewings, Alternate, Jim Mastria, Alternate

◆ **Call to Order**

Chairman Cosgrove called this Regular Meeting of the BPBC Zoning Commission to order at 6:00 PM.

1. Attendance and Appointment of Alternates if needed

Mr. Cosgrove said that they had five regular members and had established a quorum present.

2. Announcements and Public Comments

Mr. Cosgrove said that he did not have any announcements and called for any comments from the public.

Barbara Johnston, 35 Sea Crest Ave. said that there is a couch out in front of 32 Sea Crest Ave. that has been sitting there and that she called the Town about it and there is a \$25 fee to pick up large items. She said that she thinks that Zoning should enforce rubbish on the side of the road. This particular house is in foreclosure and has been rented and if the Association has to pay – then so be it.

Mr. Cosgrove asked if it is in the Town right of way.

Ms. Johnston said that she called the Town and is not sure if it is in the right of way and that the Town said that they will send out a form and that there is a fee to pick it up. She added that there is a gully from where the mailman pulls in to the mailbox near 32 Sea Crest and that it has gotten worse and needs to be fixed. There is also wood piled up near the right of way in South Beach and it has been there all winter. This is Association property and the wood is regular good wood, not firewood. The porta-potty at 18 East Shore has been up for over two years now and the house is not hooked up to water and sewer yet. The porta-potty is very unsightly when driving into Black Point. She said that she thinks that construction started some three years ago on this house.

Mr. Manuck said that construction started in 2009.

Mr. Cosgrove said that there is only one item that was mentioned that is under their purview and that is the porta-potty.

Phil & Carol Lombardo, 3 East Shore said that they support the shower enclosures being allowed in the setback area as they are basically fences and they do not violate the rules and regulations. They asked that they please allow them to be made large enough to be functional.

(Note: 6:15 PM – Mr. Sanzaro arrived)

3. Approval of Minutes – March 18, 2011 Regular Meeting

Mr. Cosgrove called for a motion or any discussion on the March 18, 2011 Regular Meeting Minutes.

Mr. Molloy asked that the spelling of his name be consistent as *Molloy* instead of Malloy;

that Special Meeting in the title be changed to *Regular* Meeting and –

that on Page 1 where Mr. Cosgrove is speaking regarding the outside showers that the sentence be changed to read: *'Mr. Cosgrove said that there is no regulation on the size of the shower outside of the setback area and that the subcommittee is discussing whether to allow them within the setback area.'*

****MOTION (1)**

Mr. Reed moved to accept the March 18, 2011 Regular Meeting Minutes of the Commission as amended.

Ms. Sklar seconded the motion.

Vote: 5 – 0 – 0. Motion passed.

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

Mr. Mullin went through his report, stating that many items are nearing completion and explaining how the regulations allow for houses of the size that are being built here to be built. He said that 18 East Shore has found a way to accommodate an elevator shaft so they will have an elevator inside the house.

5. Old Business

▪ **Sklar Committee Report (Sklar, Sanzaro, Molloy)**

Mr. Molloy asked Ms. Sklar to present the report to the Commission but he wanted to make a motion first –

****MOTION (2)**

Mr. Molloy moved that the meeting minutes be sent to him for processing first as they are his minutes.

Mr. Manuck seconded the motion.

The Recording Secretary explained that Mr. Molloy is the Corresponding Secretary for the Commission and not the Recording Secretary and that they are different.

Mr. Cosgrove said that the Recording Secretary is not a Commission member and therefore the minutes belong to Mr. Molloy –

The Recording Secretary said that is not so – and that it is a conflict of interest for a Commission Member to be the Recording Secretary – and that she was hired as the Recording Secretary.

Mr. Kelly, Chairman of the Board of Governors said that the Board of Governors hired the Recording Secretary for the Zoning Commission last year and that she is the Recording Secretary.

Mr. Cosgrove asked where the corrections for the minutes are made.

The Recording Secretary said that they are made at the following meeting during the approval and that they are made in public forum.

Mr. Molloy withdrew his motion and Mr. Manuck withdrew his second of the motion.

Ms. Sklar said that they had taken up review of four items –

▪ **Driveways, walkways and patios –**

Ms. Sklar said that currently there are fees associated with these items – and that letters from land-abutted neighbors carry no weight -

Mr. Sanzaro said that the -

Mr. Molloy told Mr. Sanzaro that he was not seated and that he could not speak.

Mr. Mullin said he could explain –

Ms. Johnston called 'point of order' stating that Mr. Mullin was not allowed to just speak whenever he wanted.

Mr. Cosgrove said that was correct and thanked Ms. Johnston.

Mr. Cosgrove said that he feels that building on others property is more of a civil court issue than something for them to handle as it would require excessive expensive surveys which he does not see as necessary.

Mr. Mullin asked to be recognized.

Mr. Cosgrove said that he could participate.

Mr. Mullin said that he thinks that a survey is a cheap way to solve these types of issues and that they could take care of it easily with a \$600 survey.

Ms. Sklar said that she heard that surveys are \$1800.

▪ **Flagpoles, swing-sets, existing home landscaping not involving grading of the lot –**

Ms. Sklar said that the Committee did not want to regulate these items and preferred to have language that made it clear that was the case.

▪ **Showers in non-conforming lots –**

Ms. Sklar said that they had two schools of thought on this item – one that showers in non-conforming lots could be an accessory building - something that is already in the regulations and which has a size limitation and can be in the setback as close as 5 feet from the property line (shed) or that a shower can be accessory equipment limiting it to protrude only 3 feet from the dwelling. This raises other issues of if they should limit the size and of attachment to the dwelling.

Mr. Manuck said that he thinks that this is a can of worms and that it would allow houses to get bigger. He said that he personally sees them as a convenience and that if allowed it could be expanded to other things such as garages, etc.

Mr. Cosgrove said that it was interesting to think of it as an accessory building and then asked what if he put a shed with water in it on his property – and what would prevent him from doing that and placing it five feet from the property line.

Ms. Sklar said that she is trying to move forward and to be a beach friendly community and suggested that they try to lighten up and let people have an outdoor shower.

Mr. Cosgrove asked that the subcommittee members put recommended language together suggesting the change that they would like to make to the regulations with respect to these items and where they think it would fit in the regulations.

Mr. Manuck suggested that it could be a clarification of an existing regulation.

- **Clarification of the location for propane tanks -**

Mr. Cosgrove asked why this was on the list.

Ms. Sklar said that they had taken into consideration items that had come up as issues. This had come up as some people had proposed putting their propane tank in the back yard out of view in the setback area.

Mr. Mullin said –

Ms. Johnston again called 'point of order' –

Mr. Cosgrove recognized Mr. Mullin –

Mr. Mullin said that some people ask if they can put the propane tanks in the back yard in the setback area so that they will be out of sight as most people do not want them in their front or side yards.

Mr. Cosgrove explained that there is the concern of the visual impact and that they also need to rein in the AC units.

6. New Business

- **Discussion of possible changes to zoning regulations**

Mr. Cosgrove said that this was previously discussed and asked that the subcommittee present some proposed language for the changes that they are proposing.

Mr. Mullin said that he wants driveways further defined and use and non-conforming use and what can and cannot be done further itemized so that there is no question.

- **Discussion of clarification of zoning regulations**

Mr. Cosgrove said that this was previously discussed.

- **Discussion of possible change of billing format**

Mr. Molloy said that he had received a request from the Board of Governors Chairman, Mr. Kelly that the report from the ZEO be put in the form of an invoice. He said that he sees that as a redundant reporting item. Mr. Cosgrove said that the Association Manager has asked that Mr. Mullin mail the checks that he takes in to him. He said that as he had understood it that Mr. Mullin was not to place items in the Treasurer's mailbox and asked if that had been done.

Mr. Mullin said that he had asked that mailman to place the items in the mailbox of the Treasurer and that he did not see that as going to her home. He said that he was supposed to receive a check this evening and that he was not going to spend his money on anything further and that he did not see the issue here.

Mr. Molloy said that he was working on where the check for March was.

▪ **Seating of Alternates**

Mr. Cosgrove said that there had been a court decision in land use on the seating of alternates at meetings. If an alternate has not been seated, he can participate in the discussion while the public hearing is open but after it is closed he can no longer participate. Also at question was the order of seating the alternates. He said that as they do not have public hearings that he asked the attorney about this as there are various methods of seating people such as a, b, c, rotation or by minority representation, etc. He further said that he believes that an alternate should be able to talk until a motion is made.

Mr. Mullin told them that they need to follow the court case.

Mr. Cosgrove noted that Executive Session is limited to seated members or others invited for specific reasons.

7. Next Meeting

Mr. Cosgrove said that the next meeting of the Commission would be on Friday, May 20, 2011 at 6 PM here at the BP Clubhouse.

Mr. Molloy said that he had two people who are interested in serving on the Zoning Commission. One is Jim Fox who currently lives in Marlborough and serves there on Zoning and who is a new resident here. The other is Pat Kulikowski(?) who lives in Maine and serves on the ZBA there. She may be retiring soon or may be able to come here to specifically attend the meetings. He said that after he has spoken with them that he will send the information to Tom Kelly.

8. Executive Session if Necessary

****MOTION (3)**

Mr. Manuck moved that they enter into Executive Session at 7:55 PM to discuss personnel issues, inviting Mr. Sanzaro, Alternate to join them.

Mr. Reed seconded the motion.

Mr. Mullin asked if he could join them if they were going to discuss anything that pertained to him.

Mr. Cosgrove said that he could not join them.

Mr. Mullin said that he took exception to Mr. Sanzaro being invited and that he wanted it to be in public and not executive session and that Mr. Sanzaro should not be involved as he has a propane tank in his yard that should not be there.

Ms. Johnston called 'point of order' –

Mr. Cosgrove said he was not accepting that here – and said that they were going into executive session and called for a vote.

Vote: 4 – 0 – 1. Motion passed.

Abstained: Mr. Molloy

****MOTION (4)**

Mr. Manuck moved that they return to Regular Session at 8:20 PM with no action taken in Executive Session.

Ms. Sklar seconded the motion.

Vote: 5 – 0 – 0. Motion passed.

9. ADJOURNMENT

Ms. Cosgrove called for a motion to adjourn.

****MOTION (5)**

Mr. Manuck moved that the Regular Meeting of April 29, 2011 be adjourned at 8:21 PM.

Ms. Sklar seconded the motion.

Vote: 5 – 0 – 0. Motion passed.

Respectfully submitted,

Karen Zmitruk,
Recording Secretary