

BLACK POINT BEACH CLUB - ZONING COMMISSION
REGULAR MEETING
Friday, JULY 22nd, 2011
MINUTES

A Regular Meeting of the Black Point Beach Club Zoning Commission was held on Friday evening, July 22, 2011 at 6 PM in the Black Point Beach Association Clubhouse located on 6 Sunset Avenue in Niantic, CT.

PRESENT: Ned Cosgrove, Chairman, Steven Reed, Sebastian Sanzera, John Manuck, Jim Mastria, Alternate

FILED IN EAST LYME TOWN
CLERK'S OFFICE

ALSO PRESENT: Richard Diachenko, Alternate
Angela Taylor, Alternate
Mary Cahill, Board of Governors, Ex-Officio

Aug 1 20 11 at 10:00 AM
Esth B Williams
EAST LYME TOWN CLERK

ABSENT: Sharon Sklar, Brian Ewings, Alternate,

1. Call to Order

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

2. Attendance and Establishment of Quorum

Mr. Cosgrove said that they had four members; seated Jim Mastria, Alternate and established that a quorum was present. He noted that new Alternate members Richard Diachenko and Angela Taylor were also present and would be able to participate but not vote on any motions.

3. Correspondence and Announcements

Mr. Cosgrove noted that he had received correspondence from Ms. Erdman of 5 Sea View Ave. filing complaints of construction noise and of water run off. He said that he checked it out and that there is nothing that he could do and that he has spoken with Ms. Erdman.

4. Public Comments

Mr. Cosgrove called for comments from the public and asked that they please keep them to three (3) minutes or less.

Barbara Johnston, 35 Sea Crest Ave. said that Alternates cannot sit at the table and that it is confusing to those from the public as to who is who.

Mr. Cosgrove said that he has stated that the Alternates can participate in general discussion during the meeting but they cannot vote on any motions.

Ms. Johnston then read a letter into the record regarding 'Fireworks, Smoke and Noise' that continued for the three days of the July 4, 2011 weekend. She noted that she felt that with all of the fireworks that were going on that general regulations of the association were overlooked by the Association Manager and East Lyme Police who were retained for beach security. Specifically there were a number of aerial fireworks that are in violation of CT State Law and these persisted throughout the entire weekend. It took until after 11PM on Sunday evening for the Police to address the issue – only after she called them herself. (Letter submitted)

Sally Erdman, 56 Sea View Ave. thanked Mr. Cosgrove and Mr. Reed for their efforts on her behalf and read her three (3) page letter into the record stating her concerns with the noise from her neighbors working on their homes past the 6 PM time with power tools and the excessive noise from a radio and TV which resonates off of her house as they are in close proximity to each other. She also mentioned the concrete patio which her neighbor is constructing – stating that she felt that this would create additional run-off to her home of water when it rains. (Letter submitted)

Kim Craven, 46 East Shore Drive said that the sidewalk between the Sea Breeze boat ramp has been approved for repair and that she would like to do repairs to the seawall in front of her home and replace the fence above it.

Mr. Cosgrove said that the fence would be our Zoning and that repairs to the seawall would not fall under us.

Ms. Johnston said that there should not be an issue with replacing the fence as it is only a replacement of something that has already been there.

5. Approval of Minutes – June 24, 2011 Regular Meeting

Mr. Cosgrove called for a motion or any discussion on the May 20, 2011 Regular Meeting Minutes.

****MOTION (1)**

Mr. Sanzaro moved to accept the June 24, 2011 Regular Meeting Minutes of the Commission as presented.

Mr. Reed seconded the motion.

Vote: 4 – 0 – 1. Motion passed.

Abstained: Mr. Manuck

6. Report of the Interim Zoning Enforcement Officer(s)

Mr. Cosgrove said that he and Mr. Reed have been filling in and issuing permits where necessary. He thanked Mr. Reed for helping him with the legwork. He issued the following report after reviewing the on-going projects throughout the community:

- 35 Bellaire – under construction – two-story addition
- 20 Billow – 16' x 20' addition – stoop and steps – CO to be issued
- 18 East Shore – in progress
- 20 East Shore – remodel in progress
- 19 Indianola – Buck – tank shield to be installed
- 20 Nehantic – repair in progress; 48 Nehantic – sunroof over patio – in progress
- 17 Osprey – fence
- 22 Seacrest – new home – almost done
- 64 Seacrest – dormer done – CO to be issued
- 21 Seaspray – new home
- 58 Whitecap – dormer addition; 59 Whitecap underground propane tank (new home)

The members and Ms. Cahill thanked Mr. Cosgrove for taking on the task of picking up the former ZEO work and carrying forward the projects and the inspections in the interim.

7. Committee Reports

▪ Open Discussion – Outdoor Showers

Mr. Cosgrove asked for another volunteer for this subcommittee as Mr. Malloy had also been on it with Ms. Sklar and Mr. Sanzaro.

Mr. Diachenko volunteered to be on this subcommittee.

Mr. Cosgrove synopsised that there are a lot of people who would like showers on their small lots and that he feels that there should be minimal intrusion. The subcommittee has been charged with looking into this issue and possibly presenting some ways of allowing people to have outdoor showers. He asked that they have something for discussion at the next meeting of the Commission.

Mr. Sanzaro suggested that they sit as a group and discuss it during their meeting rather than to present something and then go back and fix it and present it again. He asked that they place it on the next meeting agenda for discussion.

8. Results of Search for Zoning Enforcement Officer

Mr. Cosgrove said that after they had interviewed five candidates that they had come up with one person that they agreed they would like to offer the position to. He said that he did offer it to this gentleman and that after this gentleman had the chance to review things with his accountant, he regretfully refused the position at this time as it would work against him with his retirement due to his age at this point in time. He said that they would meet in Executive Session to further discuss personnel issues.

9. Old Business

Mr. Cosgrove asked if they had any old business.

Mr. Sanzaro said that they had discussed finalizing the zoning regulations with respect to what would and would not need a permit and that they also wanted to make it clear what a structure is and that walkways, driveways and patios at grade (found under 'definitions') do not require a permit.

Mr. Cosgrove recalled that swing sets and flagpoles were also items that the Attorney had advised that they stay away from. He said that this should all be done with any other changes that they come up with.

10. New Business

Mr. Cosgrove said that he had some information from a seminar on Zoning that the Board of Governors asked Legal Counsel to give when Andy McKirdy was Chairman – August 28, 2004 – outlining zoning principles in a beach community. The seminar was for the Board of Governors, the Zoning Commission and the Zoning Board of Appeals. He passed out copies of the minutes and asked that they review them for possible discussion/questions at the next meeting of the Commission.

Mr. Diachenko asked about front stoops and their size and said that people are not getting younger and the area allowed for a front stoop makes it difficult for people with wheelchairs.

Mr. Cosgrove said that ramps are regulated by the ADA and that we do allow for ramps for as long as they are necessary. With regard to stoops – the maximum allowed in the setback is a 4' x 4' size.

Mr. Diachenko suggested that they should look at that again as it is still tight.

Mr. Cosgrove said that they could discuss it.

Mr. Mastria suggested that the outdoor showers should also accommodate those with disabilities.

11. Next Meeting

Mr. Cosgrove said that the next meeting of the Commission would be on Friday, August 26, 2011 at 6 PM here at the BP Clubhouse.

He noted that if they were making changes to the regulations that they would have to advertise a public hearing and that it would be running very tight with the annual closing meeting and that the aim was to get the most people to be here for the changes. He suggested that they take their time working on the changes and that they have them ready for the spring so that they would be in effect for the new season rather than to rush now and then find that they have more to do in the spring.

Ms. Taylor said that she thinks that the public has been waiting for some changes and that they should push through and get them done now.

12. Public Comments

Mr. Cosgrove called for any comments from the public.

Kim Craven, 46 East Shore Drive noted that when she replaced her driveway that she did not need a permit and that she was charged in error anyway and suggested that they make that clear so that it will not happen again.

Mr. Cosgrove suggested that they could have a permit that they issue – but that it would be a 'No Fee Permit'

Barbara Johnston, 35 Sea Crest Ave. said that with respect to a fence replacement that people should not be charged again – and that a repair of a deck should be the same thing – no charge as they have already paid to put it there to begin with.

Mr. Reed said that they do not charge for repairs or replacement of something already existing if it is the same as what is there.

Ms. Cahill said that with respect to fixing the seawall – which Ms. Craven asked about – that in the past it has always been that the people have to fix their own seawalls at their own expense. The Association does not pay for it. She then asked Mr. Cosgrove how much he has turned in for permit fees that he has collected.

Mr. Cosgrove said that it is around \$2000.

Ms. Cahill thanked Mr. Cosgrove for his hard work on behalf of the Association.

13. Executive Session if Necessary

****MOTION (2)**

Mr. Manuck moved to enter into Executive Session at 7:08 PM for the purpose of discussion of Personnel and to invite Ms. Cahill and the Alternates to join them.

Mr. Mastria seconded the motion.

Vote: 5 – 0 – 0. Motion passed.

****MOTION (3)**

Mr. Sanzaro moved to exit Executive Session at 7:25 PM and return to Regular Session with no action taken in Executive Session.

Mr. Reed seconded the motion.

Vote: 5 – 0 – 0. Motion passed.

After general discussion, Mr. Cosgrove called for a motion to offer Mr. Dawes the ZEO position with some conditions that go along with the job requirements.

****MOTION (4)**

Mr. Sanzaro moved to offer/appoint Robert Dawes the BP ZEO position with the following conditions: (1) There is a six (6) month probation period and (2) Mr. Dawes is to do some continuing education in Zoning Enforcement.

Mr. Mastria seconded the motion.

Vote: 5 – 0 – 0. Motion passed.

14. ADJOURNMENT

Ms. Cosgrove called for a motion to adjourn.

****MOTION (5)**

Mr. Sanzaro moved that the Regular Meeting of July 22, 2011 be adjourned at 7:35 PM.

Mr. Manuck seconded the motion.

Vote: 5 – 0 – 0. Motion passed.

Respectfully submitted,

Karen Zmitruk,
Recording Secretary

July 21, 2011

Black Point Beach Club – Zoning Commission
Attn: Chairman Cosgrove & Zoning Comm. Members
P O Box 715
Niantic, CT 06357

Re: Fireworks Smoke & Noise running for three days of July 4th weekend of 2011

Dear Chairman Cosgrove & Members –

In view of the current BP Zoning regulations adopted along with amendments on July 31, 2010, effective on September 1, 2010 the purpose.....set forth in the CGS namely the following :

1. To promote the health, safety and general welfare of the Black Point Beach Club Association.....to secure safety from fire, panic, flood & other dangers:... to provide adequate light & air.....

I believe the BP regulations were totally overlooked by Association Manager Manifold & even the addition security ie: East Lyme Police - that were to be retained just for our security on Friday & Saturdays in the summer season with monies paid from our taxes.

Why were these illegal fireworks allowed Friday, Saturday & Sunday with no enforcement? According to Connecticut State law the aerial fireworks, set off along with the offensive noise & smoke that result, were clearly in violation.

On Sunday evening another event started & continued starting at approx. 8 pm. - 11 pm. With no stoppage I was forced to call EL Dispatch a number of times and finally had to place two calls @ 11 PM to the CT State Police Headquarters in Montville. I did then see some action taken by police on Sunrise Dr. quickly at approx. 11:10 pm Sunday.

As my problem was severe distress of in my breathing. I ask you why would it be necessary for me to place these calls when we (BP), I understand, have retained paid personnel to enforce such violations? It might be time to review those who we hire since it clearly appears the BP members are being short-changed.

Our zoning regulations presently in effect for BP state as such as follows:

Sec. III Districts are Residence & a Business zone which consists only lots 722 & 723.

Under Permitted Uses - I do not read the uses of fireworks are permitted in the residence district. The operation of a service--allowed in a home occupation, which I do not believe

3 pgs.
Submitted 7/22/2011 BPBC zoning mtg. by B Johnston

fireworks would or have been included & which are clearly in violation of Connecticut law.

Under Sec. f - No offensive noise, vibration, smoke, dust, odors, heat or glare shall be produced, no health or safety hazard shall be created.....

Finally, circumstances existed during these three days, I am writing about, followed with no enforcement or contact by phone or in person were made to my complaints by retained personnel working for the Black Point Beach Association. Surely, wages were paid for these appointed duties. As a taxpayer I have great difficulty with no follow-up to remedy this from happening or again.

I feel these failing actions by the hired & retained BP personnel along with the EL police should be immediately be addressed along with write- ups placed in their personnel folder. No efforts, I believe, were done to stop this situation until Sunday @ 11:10 PM.

If you have questions, please feel free to ask,

Sincerely,

A handwritten signature in cursive script that reads "Barbara Johnston".

Barbara Johnston
35 Seacrest Ave.
Niantic, CT 06357

(860) 739-3830

» Black Point Beach Club Zoning Commission

Zoning Regulations.

[Download printer-friendly version \(.pdf\)](#)

NOTE: This compilation of the Black Point Beach Club Zoning Regulations is unofficial and for the convenience of the public only. While every effort has been made to attain complete accuracy herein, the reader is advised to consult the Zoning Enforcement Officer or the East Lyme Town Clerk for a copy of the official codification of the Regulations.

With amendments adopted on July 31, 2010, to become effective on September 1, 2010

Purposes

These regulations are adopted for the purposes set forth in the General Statutes of the State of Connecticut, namely; to promote the health, safety and general welfare of Black Point Beach Club Association with a view of conserving the value of buildings and encouraging the most appropriate use of land throughout such municipality; to protect the existing and potential public surface and ground drinking water supplies; to lessen congestion in the streets; to secure safety from fire, panic, flood and other dangers; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; and to facilitate the adequate provision for transportation, water, sewerage, parks and other public requirements.

SECTION I - DEFINITIONS

Accessory Building.

A detached subordinate **building** located on the same **lot** with the principal **building** and devoted to an **accessory use**, but not used for human habitation.

Accessory Use.

A use subordinate to and customarily incidental to the principal use of a **lot** or **building** and on the same **lot**.

Association Right-of-way.

A strip of land, owned by Black Point Beach Club Association, that is granted, through an easement or other mechanism for transportation purposes for access to the BPBC beach or other property.

Beach Front Lot.

All **lots** within the limits of the Association which abut the Reserved Beach, Niantic Bay or Long Island Sound.

Boat.

A watercraft propelled by oars, paddles, sails or engine.

July 22, 2011

To: Zoning Members

From: Sally Erdman, 56 Sea View Ave. Niantic, Conn. (resident and homeowner of Black Point Beach)

1. I would like to take this opportunity to thank Mr. Ned Cosgrove and Mr. Steve Reed for their efforts in trying to help me. I am very appreciative and grateful for all their help and support.

2. I called and left 2 messages recently on Mike Manifold's cell phone alerting him that my immediate next door neighbor at 58 Sea View Avenue, Joe Kelly, is doing construction and construction related activity past 6pm using saws, drills, and other machinery and tools often after 9:30 and 10pm on his shower enclosure and other projects. This after 6pm construction related activity has continued for more than 4 days so far.

3. I never received a phone call back from Mike Manifold. I had requested that he please return my calls.

4. Most recently, last night at 9:30pm this neighbor is doing construction related activity on his shower enclosure and using high intensity flood lights and additional high intensity lights on the ground level that illuminated my entire first floor while he was doing construction related activity. I called Mr. Ned Cosgrove about it last night and I believe he drove over to the address. I do not know what transpired after his visit; however. I was very thankful that I could call Mr. Cosgrove for help.

5. I had previously submitted a letter to Mr. Ned Cosgrove about my concerns about the concrete patio that the neighbor put in at 58 Sea View Avenue. While this concrete patio will now help the neighbor with his own water problems, I expressed my concern that the water will now cause run off and water problems for me on my property at 56 Sea View Avenue. There is a downspout on the corner closest to my house where the water is aimed to run off in the direction of my house over the concrete slab as well. Please refer to previous letter I submitted.

6. Recently, the resident at 60 Sea View Avenue (my property is one house away) has poured concrete on her grass to extend her driveway to make it wider and larger. One basketball hoop is now set in concrete on one side of the driveway and another basketball hoop has been placed on the opposite side. I do not believe this should be allowed in this

3 pgs.
Submitted

7/22/2011

BPAC Zoning Mts.

by
Sally
Erdman

neighborhood. The hours of playing basketball often start after 10pm – midnight. The owner parks her car in the street so the kids can play basketball. The noise from the balls bouncing and hitting the backboard resonate directly into my home even with the windows closed and especially at nighttime when everything is still. There is a park in Black Point that has basketball hoops and beautiful, new courts for the kids to play that would not disturb the neighborhood.

7. I am experiencing an ongoing problem with my immediate next door neighbor at 58 Sea View Ave. His name is Joe Kelly and he is a teacher at the East Lyme Middle School. A fence on the narrow side is on the property line. From the fence to my foundation of my house is 12 feet or less. The concrete patio he installed is right up to the property line. The houses are very close in proximity on this side and I have 6 windows running alongside the length of my house which is my bathroom, hallway, kitchen, dining room, living room, and outside deck. All these windows face the neighbors new concrete patio, backyard(his large double lot), and one side of his small house with 2 windows and a side door that face my side of the house. He bought a large, construction site radio with 2 powerful side speakers and repeatedly faces the speaker at my house and windows. The radio can be heard inside my entire house on the first and second floors with the sound and base bouncing off my walls and floors. Often, this radio is on from 10AM to 9:30PM. This onslaught of noise all day, 7 days a week is causing me to suffer and my health, safety, and welfare is being affected. I am either being held "hostage" in my house with all my windows closed, or I have to pack up all my things and am forced to leave the house for hours at a time. Even with the windows and doors closed, the sound penetrates through the walls and closed windows that has cumulative affect hour after hour. I have never seen him use a headset of any kind and have witnessed him turning up the volume when I arrive home and positioning the radio with the speaker aimed at my house even closer to the property line. I have also witnessed a consistent pattern of behavior that when he has company over, the radio is off or turned very low so these people do not witness what is happening. In addition, to the powerful radio with the two side powered speakers, he turns up the volume of his big screen television, so the sound is shooting out the side screen door and open windows running the length of my house. Again, when he has company over and they are inside the house, the volume of the television is turned to a "normal" listening volume. When these people leave, it is turned up again. Often, the outside radio and the TV are on simultaneously blasting through my entire house. I am not able to have quiet, enjoyment of my property and my health, safety, and welfare are being affected on a daily basis.

P. 3
Erdmann

Note: Most recently, since this neighbor has installed a shower enclosure, the enclosure has been raised up off the ground level, and the radio is now housed inside the shower with enough space at the opening of the bottom so the speaker of the radio is protruding out and faced in the direction of my home approx. 12 feet from the property line. The speaker on the opposite side is aimed at a metal hatch door. Often times, the tv is blaring out the open windows and side screen doors when no one is in the house watching the tv, and the neighbor is outside with the powerful radio on. I can hear both the radio and tv through my entire house.

Sally
Erdmann

BPBC ZONING OFFICER
MONTHLY REPORT 2010

1:16 PM 7/27/2011

DATE	PERMIT	FEE PAID	ZEO FEE	ISN	SPT	SFS	IS-1	IS-2	ADDRESS	MAP	LOT	OWNER	WORK TO BE PERFORMED	STATUS	COM
7/30/2009	#07-06	\$600	250/1st	10/8/2009	10/20/2009	3/18/2010	5/7/2010	1/6/2011	18 East Shore Dr	5.11	68	Ronald Giannamore	Demolish Old home & build New Home	Requested new Permit/Time on old permit elapsed	N
11/10/2009	#11-01	\$75	\$75	11/11/2009	12/15/2009	N/A	N/A	N/A	19 Indlanola Rd	5.11	13	Robinson Buck	Install Propane Tk	Screening from front needed, Section V Item 1C	N
2/23/2010	#02-01	\$600/\$200 + \$400 pd	\$250/1st	3/18/2010	5/24/2010	N/A	N/A	N/A	51 Bellow Rd	5.1	26	Stephen J. & Lisa Moto	Demolish Old home & build New Home	expired/no work will be done	N
8/5/2010	#08-01	\$600	\$250/1st	8/5/2010	9/21/2010	11/16/2010	1/6/2011		21 SEA SPRAY AVE	5.15	3	Anthony & Janice Orsini	NEW SINGLE FAMILY HOME	done	Y
8/25/2010	#08-06	\$100 Partial + \$200	\$135/1st	8/24/2010	2/24/2011				20 Bellow Rd	5.11	60	William J. Hahn	16' X 20' addition on the rear of the house	Stoop and steps to go	N
9/16/2010	#08-07	\$600	\$250/1st	9/16/2010	11/16/2010	2/24/2011			56 INDIANOLA RD	5.14	24	Harry Mazaadooria	NEW ADDITION	done	Y
10/21/2010	#10-02	\$600	\$250	12/5/2010					10 Sea Breeze	5.15	10	David & Alana Green	1st Floor Master Bedroom Addition	done	Y
10/26/2010	#10-03	\$75	\$75	10/26/2010	2/24/2011		N/A	N/A	48 Sea Breeze Ave	5.14	80	Raymond & Patricia Hayden	Above Ground Propane Tk	done	N
11/9/2010	#11-01	\$45	\$45	11/9/2010	12/2/2010		N/A	N/A	47 Sea Breeze Ave	5.14	62	Dan McMahon	Above Ground Propane Tk	done	N
12/14/2010	#12-01	\$600	\$250	12/14/2010					22 SEA CREST AVE	5.15	15	Kevin Callahan	Demo and Rebuild New Home	looks almost done	N
1/6/2011	#01-01	\$600	\$250	1/6/2011					11 SEA VIEW AVE	5.15	49-50	Kathy Auremma	Demo-Old & Build New House	under construction	N
2/17/2011	#02-01	\$600	\$250	2/17/2011					35 BELLAIRE	5.1	39	Monica Burnett	Construction of 2 story addition & new garage	Permit issued	N
2/25/2011	#02-02	\$300	\$135	2/25/2011					48 Nehantic Drive	5.1	76	Cynthia Etienne	Build Sunroom over existing Porch	?	N
3/1/2011	#03-01	\$300	\$135/1st	3/1/2011					64 SEA CREST DRIVE	5.18	10	JIM RICE	Addition of Dormer within existing footprint	looks like no work	N
3/3/2011	#03-02	\$600	\$250/1st	3/3/2011					99 Whitecap	5.14	30	Greg Yanaros	Construction of new modular house	under construction	N
4/27/2011	#04-02	\$45	\$45.00	4/27/2011					31 Bellaire			Lisa Van Cura	Above ground oil tank and surround	done	Y
		\$600	250						20 East Shore			Steve Beachone	Remodel	no work visible	N
	#05-04	n/a	n/a	n/a	n/a				20 Nehantic	5.11	39	Richard & Evelyn Abraham	maint	no work visible	n/a
5/3/2011	#05-01	\$150	\$67.50/1st	5/3/2011					17 Osprey	5.19	76	Jane Cavalleri	Fence	no work visible	N
5/10/2011	#05-02	n/a	n/a	n/a	n/a				20 Sea Breeze			James & Maryellen Fox	New roof shingles,	?	n/a
	305-03	\$75.00							20 Sea View			Thomas & Jane Wunder	Fence	looks done	N
4/14/2011	#04-01	n/a	n/a	4/24/2011					49 Sea View	5.14	87	Paul A. Vozzella	fence	looks done	N
7/1/2011	#07-01	45							12 Sunset			Rosemary Rainville	shed	done	N
6/2/2011	6/2/2011	75	\$75.00						13 Whitecap			James Pillion	a/c		N
6/29/2011		\$75.00	\$75.00						148 Old Black Pt			Harry J Damos	add to deck		N
7/14/2011	7/4/2011	150	\$50.00						35 Nehantic			Michael & karen Hyland	a/c unit & generator		N
7/13/2011	7/6/2011	600	\$600.00						48 Sea Spray			Dream Dev/Kinder	new house		N
7/14/2011	7/14/2011	600	\$600.00						31 Nehantic			Seth Bailey	new house		N
7/14/2011	07-068	600	\$600.00						18 East Shore Dr			R. Giannamore	time extension	under construction	N
7/22/2011	7-Jul	\$45.00	\$45.00						58 Sea View			Joseph Kelly	shower enclosure	prototype	N

