

**BLACK POINT BEACH CLUB - ZONING COMMISSION**  
**SPECIAL MEETING**  
**Friday, MARCH 18th, 2011**  
**MINUTES**

A Regular Meeting of the Black Point Beach Club Zoning Commission was held on Friday evening, March 18, 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, Sebastian Sanzaro, Alternate

ALSO PRESENT: Mary Cahill, Board of Governors Ex-Officio  
Mike Mullin, ZEO

ABSENT: Sharon Sklar, 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 he had seated Mr. Sanzaro, Alternate at the table this evening and 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 throughout the winter there have been many new houses being built (not sure of the addresses – 22 Sea Crest?) and that the mud situation with the lack of hay bales and silt fencing has allowed it to run onto the road when it rains. She said that the ZEO does not feel that it is part of his job but she feels that someone needs to let the people building know that they have to correct this. She also questioned the elevation of the new house at 21 Sea Spray with what appears to be four different roof lines. She said that the survey plan dates back to 2005 and in using the 2007 regulations that the house is huge and she feels that with the elevation and the size of the house that the 35% lot coverage is being violated. She said that there is also a shed on the property and that it may be in a flood zone. And, there is a sump pump pushing water out and anyone can go and see it.

Dave Kinder, 48 Sea Spray Ave. said that he was there to speak regarding outdoor showers and the 4' x 6' size that was mentioned at the previous meeting of the Commission last year. He said that there is a difference between outdoor and indoor showers in relation to size as you would need to have an area outside in which to change your clothes from the beach whereas inside, you would still be in the bathroom area but out of the 'shower'.

Mr. Cosgrove said that there is no regulation on the size of the shower within the setback area and that is it outside of the setback area that they are discussing and that the subcommittee is working on.

Mr. Kinder said that he still does not have issues with others having outdoor showers.

Mr. Cosgrove noted to the public that if they wished to make comment that they should do so at this time as they have deleted Public Comments on agenda items at the end of the meetings from the agenda. They should comment at this time.

Dan McMann, 47 Seabreeze Ave. said that he put in a propane tank this winter and that because it is in the front corner of his house that, by code, he needs to screen it. He said that he would prefer to have put it in the back behind a shed however he is not allowed to do that. He asked that they allow them to place a tank in the setback area if it is out of view as that would have been a better location for the tank rather than the

front of the house. He said that he does not have any problems with the outdoor shower being in the setback area.

Barbara Johnston, 35 Sea Crest Ave. said that they used to build by pre-existing footprints on the non-conforming lots and that she does not think that they are doing that now with the size of the houses that are being put up now.

Mary Cahill, BOG Ex-Officio asked if she had heard correctly that they could not speak at the end of the meeting.

Mr. Cosgrove said that was correct.

Ms. Cahill asked what if she wanted to comment on something that was said during the meeting.

Mr. Cosgrove said that she could bring it up at the next meeting of the Commission during public comment.

Ms. Cahill said that she and others might forget what they wanted to say and that she was concerned if this was correct.

Mr. Malloy said that the agenda had a different format now.

### **3. Approval of Minutes – October 29, 2010 Regular Meeting**

Mr. Cosgrove called for a motion or any discussion on the October 29, 2010 Regular Meeting Minutes.

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

**Mr. Molloy moved to accept the October 29, 2010 Regular Meeting Minutes of the Commission as presented.**

**Mr. Manuch 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, noting that he had changed the format back so that they would have the most recent items on it rather than all of the older items that were no longer needed. He noted that many of the items would soon be completed and removed from the list.

Mr. Cosgrove asked Mr. Mullin about the silt fencing for 22 Sea Crest and the sump pump and if any of that was in our regulations.

Mr. Mullin said that it was not in the regulations and that he was currently working on an update of them so that things could be added.

Mr. Cosgrove asked Mr. Mullin if the sump pump was there.

Mr. Mullin said that it was and that it was not uncommon to have one.

Mr. Cosgrove asked Mr. Mullin about the elevation of 21 Sea Spray and if the Commission could be assured that it is correct and that said elevation could be substantiated.

Mr. Mullin said yes.

Mr. Cosgrave asked Mr. Mullin if it was in the flood zone and if he had checked.

Mr. Mullin said that it is not his purview to check. He added that he thinks that they need to enforce the use of the complaint form.

Mr. Cosgrove asked Mr. Mullin if the report had been corrected regarding the questions that had arisen regarding the billing.

Mr. Mullin said that there was nothing intentional and that the error had been corrected.

Mr. Sanzaro asked if the 18 East Shore Drive house was installing an underground tank in the front yard on concrete.

Mr. Mullin said that is a building issue.

Mr. Reed asked why they were deleting 12 Sea Spray from the list regarding the dirt on the property.

Mr. Cosgrove said that some of the items they used for project material and boats are allowed and it does not mean that this could not be back on the list at another point in time.

#### **5. Old Business**

Mr. Malloy noted that they had received notice that the ZBA case was coming up this week. He also said that he, Ms. Sklar and Mr. Sanzaro were charged with looking into shower stalls, etc. and that he had emailed his opinion on this to Ms. Sklar and was submitting a copy for the record. He said that he wanted it made clear that it was his opinion only and not that of the Commission. He noted that Ms. Sklar had indicated that she would like to be present to further discuss this and that she did not want them to take any action without her being there.

Mr. Cosgrove suggested that they all get together in person and put together a draft.

Mr. Sanzaro said to Mr. Malloy that he does not see the issue with outside showers and that they are also speaking about walkways, driveways and patios which are not structures by definition by the regulations.

Mr. Mullin said that he took issue with Mr. Sanzaro being on the subcommittee.

#### **6. New Business**

There was none.

#### **7. Next Meeting**

Mr. Cosgrove said that the next meeting of the Commission would be on Friday, April 29, 2011 at 6 PM here at the BP Clubhouse.

#### **8. Executive Session if Necessary**

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

**Mr. Manuck moved that they enter into Executive Session for discussion purposes, inviting no other people to attend, at 6:58 PM.**

**Mr. Cosgrove seconded the motion.**

**Vote: 5 – 0 – 0. Motion passed.**

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

**Mr. Manuck moved that they return to Regular Session at 7:21 PM with no action taken in Executive Session.**

**Mr. Cosgrove seconded the motion.**

**Vote: 5 – 0 – 0. Motion passed.**

#### **9. ADJOURNMENT**

Ms. Cosgrove called for a motion to adjourn.

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

**Mr. Manuck moved that the Regular Meeting of March 18, 2011 be adjourned at 7:22 PM.**

**Mr. Cosgrove seconded the motion.**

**Vote: 5 – 0 – 0. Motion passed.**

Respectfully submitted,

Karen Zmitruk,  
Recording Secretary

From: SJMotto@aol.com

Date: Mon, 7 Mar 2011 08:48:36 -0500

Subject: 48 Sea Spray

To: m2fission@msn.com

CC: lisamotto3@aol.com; ddetuccio.beamers@snet.net; David\_Kinder@shsmith.com

Good Morning Mike,

As a follow up, I just wanted to thank you for our meeting last Thursday. I found it to be very helpful. I spoke to the homeowner and he is very excited that he will be able to have his shed, buried tank and outside shower as we discussed. This project is not slated to kick off until the fall of 2011 right after Labor Day. In an effort to work with our time schedule I will not be submitting plans to you until it makes sense. I am trying to work with the time limitations on the permits. Because of the time lapse from now to submission, I just wanted to give you something that you can put in your file.

I have attached a copy of the site plan that we discussed at our meeting.

Thanks again,

*Stephen J. Motto*

*Dream Developers Of CT. LLC*

*18 Laurel Ridge*

*East Hampton, CT. 06424*

*P - 1-860-267-6822*

*F - 1-860-267-7322*

3/7/2011

BPBC ZONING OFFICER  
MONTHLY REPORT 2010

DATE	PERMIT #	FEE PAID	ZEO FEE #1	IS #1	IS #2	IS #3	IS #4	IS #5	ZEO FEE #2	ADDRESS	MAP	LOT	OWNER	WORK TO BE PERFORMED	STATUS	CZC Y/N
6/8/2007	#07-21 (e)	\$300-200-500		6/5/2008	10/11/2008	12/17/2008		N/A		12 Sea Spray	5.19	16	Gail Kelly	Replace Existing Garage	Excess material on site	N
7/30/2009	#07-06	\$600	250/1st	10/3/2009	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	Stone outside interior work	N
11/10/2009	#11-01	\$75	\$75	11/11/2009	12/15/2009	N/A	N/A	N/A	N/A	19 Indianola 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				\$250/2ND	51 Billow Rd	5.1	26	Stephen J. & Lisa Moto	Demolish Old home & build New Home	WILL EXPIRE	N
5/25/2010	#05-15	\$75	\$75	5/25/2010	6/20/2010		N/A	N/A	N/A	20 Sunrise Ave	5.1	57	Sharon Sklar	Peaked Roof Cover over Patio	Working	N
8/5/2010	#08-01	\$600	\$250/1st	8/5/2010	9/21/2010	11/16/2010	1/6/2011		\$250/2nd	21 SEA SPRAY AVE	5.15	3	Anthony & Janice Orsini	NEW SINGLE FAMILY HOME	Nearing Completion	N
8/19/2010	#08-05	\$600	\$250/1st	8/19/2010	9/21/2010	11/16/2010	2/24/2011		\$250/2nd	25 SUN RISE AVE	5.14	40	Lillian Diachenko	Demo Old Home / Build New	Nearing Completion	N
8/25/2010	#08-06	\$100 Partial + \$200	\$135/1st	8/24/2010	2/24/2011				\$135/2nd	20 BILLOW RD	5.11	60	William J. Hahn	16' X 20' addition on the rear of the house	Nearing Completion	N
9/16/2010	#08-07	\$600	\$250/1st	9/16/2010	11/16/2010	2/24/2011			\$250/2nd	56 INDIANOLA RD	5.14	24	Harry Mazadooria	NEW ADDITION	Nearing Completion	N
10/21/2010	#10-02	\$600	\$250	12/5/2010			N/A	N/A	N/A	10 Sea Breeze	5.15	10	David & Alana Green	1st Floor Master Bedroom Addition	PERMIT ISSUED	N
10/26/2010	#10-03	\$75	\$75	10/26/2010	2/24/2011		N/A	N/A	N/A	48 Sea Breeze Ave	5.14	80	Raymond & Patricia Hayden	Above Ground Propane Tk	Permit issued	N
10/28/2010	#10-04	\$450	\$202.50	10/28/2010			N/A	N/A	\$202.50	36 Sea Breeze Ave	5.14	75	Madeleine Bragg	24' X 30' Addition	FRAMING	N
10/28/2010	#10-05	\$2,000	\$75	10/28/2010			N/A	N/A	N/A	70 East Shore Drive	5.15	35	Martin Café	Install Fence	NO WORK STARTED	N
11/9/2010	#11-01	\$45	\$45	11/9/2010	12/7/2010		N/A	N/A	N/A	47 Sea Breeze Ave	5.14	62	Dan McMahon	Above Ground Propane Tk	NEEDS TO BE SHIELDED FROM FRONT VIEW	N
12/14/2010	#12-01	\$600	250/1st	12/14/2010					250/2nd	22 SEA CREST AVE	5.15	15	Kevin Callahan	Demo and Rebuild New Home	Permit issued	N
1/6/2011	#01-01	\$600	250/1st	1/6/2011					\$250	11 SEA VIEW AVE	5.15	49 - 50	Kathy Auriemma	Demo - Old & Build New House	Permit issued	N
1/26/2011	#01-02	\$450	202.5/1st	1/27/2011					\$202.50/2ND	58 WHITE CAP ROAD	5.14	57	William Brewer	Dormer addition and remodeling	Permit issued	N
2/17/2011	#02-01	\$600		2/17/2011					\$250/2ND	35 BELLAIRE	5.1	39	Monica Burnett	Construction of 2 story addition & new garage	Permit issued	N
2/25/2011	#02-02	\$300		2/25/2011					\$135	48 Nehantic Drive	5.1	76	Cynthia Etienne	Build Sunroom over existing Patio	PERMIT APPROVED	N
3/1/2011	#03-01	\$300		3/1/2011					\$135/2nd	64 SEA CREST DRIVE	5.18	10	JIM RICE	Addition of Dormer within existing footprint	Issued Permit	N
3/3/2011	#03-02	\$600		3/3/2011					\$250/2nd	56 Whitecap	5.14	30	Greg Yanaras	Construction of new modular house	Issued Permit	N
3/15/2011	#03-03			3/15/2011						20 SEA SPRAY				Issued Permit	N	
5/6/2010	#05-07	\$150	\$67.50/1st	5/24/2010	6/20/2010	7/22/2010		N/A	N/A	35 Nehantic Drive	5.1	92	550 ✓ Michael Hyland	Reroof and complete additional mods as specified in permit	APTS Complete CZC for APTS issued, Store almost Complete	N
6/29/2000	#06-04	\$45	\$45	6/29/2010	9/21/2010	N/A	N/A	N/A	N/A	31 NEHANTIC DR	5.1	48	SETH BAILEY	HOME DEMOED	COMPLETED	N/A
6/19/2005	#08-07 / #08-07(a)	\$600 - \$300	\$250/1st	7/14/2009	8/11/2009	9/23/2009		4/15/2010	\$250/2nd	53 BILLOW RD	5.1	25	Dream Develop	New Single Family Home	COMPLETED	N

BPBC ZONING OFFICER  
MONTHLY REPORT 2010

11:20 AM 3/17/2011

6/25/2009	#06-09	\$75	\$75	7/24/2009	9/23/2009	N/A	N/A	N/A	N/A	36 Sea Crest Ave	5.25	21	Robin Forshaw	Install Temporary Handicap Ramp for 180Days	REMOVED	Y
6/30/2009	#06-05	\$300	\$135/1st	7/24/2009	9/23/2009	12/14/2009	N/A	\$135/2nd	50 Bellair	5.1	97	John & Gay Suplecki	Build addition for a family room	COMPLETED	Y	
7/7/2009	#07-01	\$75	\$75	7/24/2009	2/6/2010	7/14/2010	N/A	N/A	1380 Saffrey Ave	5.15	72	Vito Savino	New Deck	COMPLETED	Y	
					January Bill											
					February Bill											
					March Bill											

On tour through the community work observed at 9 East Shore drive, observed work being performed without permits and apparently violated the Northern property line setback. Discussed the condition with the owner who stated he had a right to perform the work and was not going to Cease. Letter being prepared. Letter sent, certified return recent requested. Letter received based on the owners statement but the post office could not document the trace.