

**BLACK POINT BEACH CLUB - ZONING COMMISSION
SPECIAL MEETING
Friday, SEPTEMBER 24th, 2010
MINUTES**

A Special Meeting of the Black Point Beach Club Zoning Commission was held on Friday evening, September 24, 2010 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
Mike Mullin, ZEO

ABSENT: Brian Ewings, Alternate, Jim Mastria, Alternate

◆ **Call to Order**

Chairman Cosgrove called this Special 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 and that according to the Statutes he could take part in general discussion but could not speak once a motion was made. He noted that they had all five regular members in attendance and seated.

2. Announcements and Public Comments

Mr. Molloy, Secretary noted that any correspondence concerning zoning issues should be sent to He, Mr. Cosgrove or Mike directly.

Mr. Cosgrove called for any comments from the public.

Barbara Johnston, 35 Sea Crest Ave. said that she saw that they have Executive Session on the agenda and asked if they could move it to the end just before adjournment so that people who want to make comments do not have to wait until Executive Session is over to make them.

Mr. Cosgrove asked for a motion to move Executive Session to just before Adjournment and to move all other items up.

****MOTION (1)**

Mr. Manuck moved that Item 6 on the Agenda be moved down to Item 9 and that all items be moved up and numbered accordingly.

Ms. Sklar seconded the motion.

Vote: 5 – 0 – 0. Motion passed.

Ms. Johnston noted that she was active with Boards and Commissions in Rocky Hill and that while the Alternate can speak, she said that they really should not be seated at the table so that they can avoid confusion.

Timothy Taylor, 63 East Shore Drive said that they have 'discussion on the definition of a structure' on the agenda – he asked if they would clarify if it is something that is permanent and not moveable as that would help a great deal. He said that he also heard that at the last meeting that Mr. Mullins had said that he (Mr. Taylor) had an issue with 48 East Shore and; he wanted it known that was not true. He has not had any issues with 48 East Shore.

3. Approval of Minutes - August 27, 2010 Regular Meeting

Mr. Cosgrove called for a motion or any discussion on the August 27, 2010 Regular Meeting Minutes.

Mr. Cosgrove said that he felt that the minutes had adequately informed the public of what had transpired. He then recognized the recording secretary to speak and she explained that the minutes are not meant to be a transcript of the events but rather a synopsis of what had been discussed.

****MOTION (2)**

Mr. Molloy moved to accept the August 27, 2010 Regular Meeting Minutes of the Commission as presented.

Mr. Reed seconded the motion.

Vote: 5 – 0 – 0. Motion passed.

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

Mr. Mullin said that he had sorted the report in the manner that was requested with the oldest outstanding first and then the completed items. He noted that 51 Billow Road is still on hold and that the property is still for sale. Also, 48 East Shore is substantially complete although they are still dealing with some smaller issues which are expected to be completed soon. He asked if they had any questions about any of the items on the listing.

Mr. Manuck asked that he change 25 Sunset Ave. to read correctly as 25 Sunrise Ave. on the report.

Mr. Cosgrove said that he and Mr. Reed had attended the Board of Governors meeting the previous evening and that it was a well attended meeting in which five people spoke, four of which concerned zoning. All of the speakers voiced complaints about the Zoning Enforcement Officer or the Zoning Commission and the fifth speaker voiced concern over construction vehicles. And – after that, he was the person who was up on the agenda next, to address the Board of Governors regarding potential litigation.

To synopsize he said:

- ◆ It did not go well.
- ◆ The Board of Governors has no interest in pursuing any action on non-significant items such as flagpoles, fire pits or driveways and they were so strong in their belief on this that a motion was made to give people their money back – one person for a driveway and another person for a sidewalk.
- ◆ There seems to be a sense of confusion on what requires a permit and what does not and what constitutes a structure.
- ◆ There is a general sense that driveways, patios and sidewalks are not structures and this is something that they would need to address.

Ms. Sklar said that leads them to the next item that they have on the agenda this evening for discussion.

5. Old Business – Definition of Structure, Showers, Correspondence

Ms. Sklar said that she felt that they should be working for the general good of the community with their policies.

Mr. Molloy said that he is happy with the definition of 'structure' as it is and that it worries him when they start making exceptions for some properties as he feels that they need to know about setbacks and if they are being adhered to. He said that he thinks that strict enforcement is important as he does not want any special preference given to Board of Governors or other Commission members or others in the community.

Mr. Manuck said that with respect to driveways, patios and things that fall at grade that it could be easy to go over your line and into someone else's property and he thinks that the ZEO should at least check it.

Ms. Sklar said that if someone rips up an old driveway and puts in a new one in the exact same place that she does not see the need for a permit. And, with respect to an outdoor shower – the regulations allow for a shed to be placed 5' from the property line and she said that she does not see where an outdoor shower 5' from the property line is going to bring down the integrity of the community.

Mr. Cosgrove said that the general feeling among the public seems to be that if it is a structure that it needs a permit and that this is also where the confusion comes into play.

Mr. Sanzaro said that he thinks that by listing four items that do not need a permit that the public thinks that everything else needs a permit and that is not true. The issue of landscapers being followed to see what they

are doing and being questioned etc. is not what we should be doing and the ZEO should not be driving around following people everyday to see what they are doing.

Mr. Molloy suggested that it was for the protection of property values.

Ms. Sklar said that she is not disputing that permits are needed for some things but she suggested for instance a flag pole and having to follow the 20' setback to put it in a yard – with a great number of the properties it would mean that it would have to be in the back yard. She said that they should be working with people on this or providing a means for these people to address this Commission and discuss these items with them and perhaps be granted permission from them.

Mr. Manuck said that he thinks that the biggest issue comes from the pre-existing non-conforming lots where there is very little room for anything.

Mr. Sanzaro mentioned the cost of the permits and that it clearly states that there is a \$45 cost for the location of a propane tank and then you see some that are charged \$75 when they should all be \$45. It seems that it all comes down to the money. He added that they had mentioned at the Board of Governors meeting that they would be looking into the fees.

Mr. Cosgrove said that they are charging fees for more than structures and one of the issues is this confusion and the question of should there be a fee for a driveway replacement.

Mr. Mullin said that he would offer clarity on this issue and that by doing what he does, he gets people to come to him to discuss what they are doing. He noted that where bushes were removed that he keeps his eyes and ears open and stops and asks what is planned for the area and contacts the owner if necessary. He said that he had asked the previous zoning commission to tell the Town to not be doing any zoning in Black Point but they had not done that.

Mr. Cosgrove said that it is the job of the Zoning Commission to try to eliminate non-conformance and that with what he heard and found out the previous evening, they have some work to do to come up with a statement that clarifies when a permit is needed or if they can use some sort of certification process. He added that the Board of Governors is also reviewing the zoning fees so that they will be more appropriate to what the item is.

Mr. Molloy suggested that they form a subcommittee to work on these items over the next year to try to make things clearer and easier to understand. With respect to the outdoor showers he said that he is of the opinion that they are wonderful to have as long as you don't have to see them.

Mr. Sanzaro said that he thought that they should be enclosed.

Mr. Cosgrove asked Mr. Sanzaro and Ms. Sklar to get together and come up with some suggestions on what they think an acceptable shower in the setbacks would be so that the commission can discuss them. With respect to the definition of a structure, while it may be adequate, the perception in the beach community is that it is structures that need permits. He said that he would like further definition on this as a fence would be considered a structure but a row of bushes would not. He asked that they try to make the definition as expansive as possible.

Mr. Mullin reminded them that there are two citations that are at the point where they are being turned over to the Commission – 9 East Shore Drive and 63 East Shore Drive.

Mr. Cosgrove asked what the violations were for each of them.

Mr. Mullin said that for 9 East Shore there are 5 items – the driveway, patio, walkway, fire pit and outdoor shower setback as it was not a pre-existing shower and for 63 East Shore there are two items – the outdoor shower in the setback and a fire pit in the back yard. For 9 East Shore, the projects are done and there. For 63 East Shore the shower has basically been removed although the posts are still there.

Mr. Cosgrove said that if there is no enclosure on the shower at 63 East Shore that it would then be in compliance. He asked the preference of the Commissioners if they wanted to discuss these two properties in Executive Session or during the open meeting.

****MOTION (3)**

Mr. Molloy moved that they discuss 9 East Shore Drive and 63 East Shore Drive during Executive Session.

Mr. Manuck seconded the motion.

Vote: 5 – 0 – 0. Motion passed.

6. New Business

Mr. Molloy passed out blank contact information sheets and asked that the Commissioners update their information and return them to him or email him the information. He also presented a proposed Zoning Commission meeting schedule for 2011 for their review stating that he has proposed all of the meetings for Friday evenings in the same week after the Board of Governors Thursday evening meetings. All meetings would start at 6 PM and would be in the Clubhouse. The dates would be: 3/25/2011; 4/29/2011; 5/27/2011; 6/24/2011; 7/29/2011; 8/26/2011; 9/23/2011 and if necessary – 10/28/2011. He asked that they review this and be prepared to move it at the next meeting of the Commission. Mr. Molloy lastly passed out a copy of a letter that Mr. Mullin had received from a property owner regarding a propane tank.

Mr. Cosgrove commented that their only jurisdiction is with the location in reference to the setback.

7. Next Meeting

Mr. Cosgrove asked the preference of the Commissioners regarding their next meeting. The consensus of the Commissioners was to hold it on a Friday night rather than the Saturday.

Mr. Molloy said that he would notice the Town Clerk that the previously scheduled Saturday Regular meeting was cancelled and they would be scheduling a Special Meeting on Friday, October 29, 2010 at 6 PM in the Clubhouse instead. He said that he would do the agenda accordingly.

8. Public Comments – limited to agenda items

Mr. Cosgrove called for comments from the public.

Barbara Johnston, 35 Sea Crest Ave. asked for a copy of the propane tank letter. She said that she would be moving her propane tank and has a court order that states that the fee for it is waived.

Mr. Cosgrove asked that Ms. Johnston get a paper to that effect and present it to them for her file to alleviate any problems.

Ms. Johnston said that she would. She also asked that they keep after the Board of Governors to review the zoning fees as they are the Board that sets them. She also said that she wants them to stay away from running up attorney fees. She lastly said that she was in the building industry for many years and that a 1” variance is actually 6” in building.

Mary Lou Weidl, 22 Indianola Road said that she would like to ask for a small courtesy – that they identify themselves at the beginning of the meeting so that the public will know who everyone is.

9. Chair will Entertain Motion for Executive Session if Needed

Mr. Cosgrove called for a motion.

****MOTION (4)**

Mr. Manuck moved to enter Executive Session at 7:25 PM to discuss potential pending litigation and personnel issues, inviting Mike Mullin to join them.

Mr. Molloy seconded the motion.

Vote: 5 – 0 – 0. Motion passed.

****MOTION (5)**

Mr. Molloy moved that the Chair is directed to speak with the owner of 63 East Shore Drive to work to bring him into compliance with the regulations and that the Chair is also directed to consult with legal counsel regarding 9 East Shore Drive on potential methods of bringing that property into compliance.

Mr. Manuck seconded the motion.

Vote: 4 – 0 – 1. Motion passed.
Abstained: Ms. Sklar

****MOTION (6)**

Ms. Sklar moved to return to Special Meeting Session at 8:15 PM with the action as stated above taken.

Mr. Reed seconded the motion.

Vote: 5 – 0 – 0. Motion passed.

ADJOURNMENT

Ms. Cosgrove called for a motion to adjourn.

****MOTION (7)**

Ms. Sklar moved that the Special Meeting of September 24, 2010 be adjourned at 8:16 PM.

Mr. Reed seconded the motion.

Vote: 5 – 0 – 0. Motion passed.

Respectfully submitted,

Karen Zmitruk,
Recording Secretary