

# Minutes of BPBCA Zoning Commission Regular Hybrid Meeting - 04/21/23

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**Date and time:** 04/21/23 6:00 PM to: 04/21/23 6:53 PM

**Present:** Brooke Stevens, Recording Secretary, Jim Fox, Chairman, Jim Allen, Secretary, Joseph Katzbek, John Horoho, Jason Bookmiller, Alternate, Sat as a Regular Member, Absent:, Charles Bruce, Alternate, Matt Peary

**CC:** Jim Ventres, Zoning Enforcement Official, John Cellino, Ex-Officio to Zoning & ZBA, Dan Deknis, ZBA Chair, Via Zoom, Betsy Klemmer, Alternate

**Location:** Black Point Beach Club Association Clubhouse, 6 Sunset Avenue, Niantic, CT, & via Zoom: <https://us02web.zoom.us/j/85893513421?pwd=TIh6VDI0N3VlYVlEK2hYZGpLZz09>

Phone Use: 929-205-6099

Meeting ID: 858 9351 3421

Passcode: 140458

**Link:** <https://app.meetingking.com/meetings/397448>

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## Topics

### 1. Call to Order

**Note** Chairman Fox called the Regular Meeting of the Black Point Beach Association Zoning Commission to order at 6:04 p.m.

**Note** The Commission attempted to connect to the internet via three separate laptops, was unable to do so, and they were unable to hold hybrid portion of the meeting.

#### 1-1. Attendance and Establishment of Quorum

**Note** Mr. Fox introduced the Commission Members, sat Mr. Bookmiller as a Regular Member for the evening, and noted a quorum was present.

**Note** see attached attendance notification sheet.

 [Attendance Sheet.pdf](#)

### 2. Additions to the Agenda

**Note** There were none.

### 3. Approval of Meeting Minutes

#### 3-1. March 17th, 2023 Regular Meeting Minutes

**Note** See attached meeting minutes.

 [Minutes of BPBCA Zoning Commission Regular Hybrid Meeting 03 17 23.pdf](#)

**Note** Mr. Allen said he had the following corrections for the meeting minutes of March 17th, 2023:

1. The body of the meeting minutes calls it a "Special Meeting," when it should read that it's a "Regular Meeting."
2. Item 2, "Additions to the Agenda" was not listed in the minutes, and it also should have been noted that there were no additions.
3. Mr. Fox's statement regarding the end of the 2022 season was misconstrued and should be deleted.
4. Under Old Business, Review of Current Zoning Regulations, the minutes read "Mr. Fox detailed a meeting with the Attorney, and how they discussed creating an Association District," and "along with hedge height issues" should be added to this sentence.
5. In this same section, the minutes read "Mr. Ventres is the Association's only means of zoning enforcement," and the word "zoning" should be deleted.
6. A duplicate adjournment motion is listed prior to the March 17th, 2023, adjournment motion, and she be deleted.

**Decision** MOTION (1)

Mr. Horoho moved to approve the Meeting Minutes of March 17th, 2023, as corrected.

Mr. Katzbek seconded the motion.

Motion carried, 4-0-0.

## 4. Call for Public Comments

**Note** Public Comments is the time when members of the Black Point Beach Club Association are invited to speak to the Commission about certain matters. Items, referrals, or applications subject to a decision by the Commission, a public hearing or any matters in litigation may not be discussed.

**Note** Dan Deknis, ZBA Chair, said some of the following:

The fee we're charging for various applications is insufficient.

Two ZBA hearings just occurred, and the associated costs are around \$575 each, and we're only charging \$475 to cover each one.

The Association is picking up the difference.

The bulk of the cost is to cover the newspaper publications.

**Note** Mr. Fox noted that that Board of Governors set these fees, so this issue should be brought to them to address.

**Note** Keith Turner of 49 Sunset Avenue introduced himself and expressed interest in learning more about the Zoning Commission and potentially becoming an alternate member of the Commission. Mr. Turner shared that he and his wife are new parents to a newborn, and he's employed as a Mortgage Loan Representative.

## 5. Reports

### 5-1. Communications and Correspondence

**Note** Mr. Fox reported that he received a communication from the Zoning Board of Appeals, informing them that that zoning appeal for 22 East Shore Drive was denied. He also shared that Charlie Bruce, Alternate Zoning Commission Member, has opted to resign, so they now have two openings that need to be filled.

### 5-2. ZEO: Jim Ventres

**Note** See attached ZEO Report.

 [Copy of ZEO Report april 2023.xlsx](#)

**Note** Mr. Ventres reported that there seems to be several big projects in the works, although availability of materials and supplies continues to be an issue.

### 5-3. Board of Governors Ex-Officio: John Cellino

**Note** Mr. Cellino said some of the following:

The Board of Governors is thrilled that the Commission is seeking legal assistance in reviewing the Zoning Regulations.

They look forward to seeing the final product and commend the Zoning Commission for taking on what is a very difficult and time-consuming task.

### 5-4. Chairman: Jim Fox

**Note** Mr. Fox said since Mr. Bruce stepped down, they need a new Zoning Representative to be part of the Master Plan working group and he's hoping someone will be willing to volunteer.

**Note** Mr. Katzbek said he'd be happy to participate, and Mr. Fox said he will follow-up with Colleen Chapin, and forward Mr. Katzbek's information to her.

**Note** Mr. Fox said as all of them know, they're now going through the process of updating the Zoning Regulations, with input from Mr. Ventres and their attorney, who specializes in Land Use, and has extensive experience; while it may be an arduous process, it's a necessary one, and the objective is to make the regulations as clear as possible.

## 6. Old Business

**Note** See attached

 [Regs.pdf](#)

### 6-1. Review and discussion regarding status of updating all current Zoning Regulations.

**Note** Mr. Ventres offered some of the following remarks:

Attorney Branse sent over model regulations which he (Mr. Ventres) merged with ours.

He cut out items not relevant to Black Point and sent them back to Attorney Branse for further review.

They've gone back and forth twice now and continue to review and discuss the regulations.

They still need to sit down and discuss a few items, but they're pretty much on track with most of it.

Both he and Attorney Branse thought it would be helpful for the Commission to review the work done so far and provide feedback or ask any questions they may have.

**Note** Mr. Ventres noted that Attorney Branse did some of the following in regard to the regulations:

He completely expanded the definition section.

In terms of the addition of an Association District, he's looking to determine the preventative uses they're looking to avoid.

He did some housekeeping cleanup such as removing the word "public" when discussing parking, since Black Point doesn't actually have public parking.

He doesn't believe that the Zoning Commission has control over fences or hedge heights, those are actually the purview of the Board of Governors, and they can choose to enact hedge height limits as a safety measure by adopting an ordinance to address the matter.

**Note** Mr. Fox observed that the rule about hedge height has been in place for a long time, and he thinks the challenge is that Mr. Ventres is the only arm of enforcement within Black Point. He asked how the Board of Governors might enforce this rule and Mr. Ventres replied that he will verify this with Attorney Branse, but once it becomes an ordinance, it could then be incorporated within the zoning regulations, since it's now the "law of the land."

**Note** Mr. Ventres said anything in green or yellow in the draft regulations (see Regs attachment above), is something he and Mr. Branse are currently discussing, while the things in red are items required by State Statute.

**Note** The Commission and Mr. Ventres discussed the trend towards mixed use buildings, which allow commercial on the first floor, and residential on the second, as a means of retaining the tax value of having a commercial space. This in turn, led to a brief discussion about the Black Point Market.

**Note** Mr. Fox said the intention of any regulation is to make sure that it's clearly reflective of the values of community, and he wonders if they make changes to try and reflect these values, or if it's best to wait and see what the Master Plan indicates, since the idea is for the plan to provide guidance and act as a roadmap for the future.

**Note** Mr. Bookmiller discussed how in in the case of the Black Point Market property, you could have it zoned as a business district, but also have language that requires the type of business to be approved by the Board of Governors.

**Note** Mr. Fox said language could certainly be put in to promote certain types of businesses, but not necessarily to restrict, which the Commission further discussed.

**Note** Mr. Fox said the Market and the different versions that proceeded it, are part of the fabric of this community; do they begin a discussion on this, or wait and see if they receive further guidance from the Master Plan?

**Note** Mr. Horoho discussed how his concern is with what might happen in the interim.

**Note** The Commission further discussed the prospect of encouraging similar businesses for the one building, in their business district.

**Note** Mr. Fox asked the Commission Members to review the Regulations and give them some consideration, so they can have a more in-depth discussion at the next meeting.

## **6-2. Creation of new third District within the BPBCA**

**Note** Mr. Fox noted they briefly discussed this item already, as it relates to Attorney's Branse's review of the regulations, and determinations about preventative objectives.

## **6-3. Mandatory State of Connecticut Land Use Training**

**Note** Mr. Fox reminded everyone about the new State Statute which requires every land use commission member to receive four hours of training every two years.

**Note** Mr. Ventres said the UCONN workshops now require people to log in, so going forward, the number of people who attend from each community, can be assessed.

**Note** Mr. Fox said Mr. Allen will facilitate reminding Commission Members to attend training and will track when each Member informs him that they have completed the training.

## 7. New Business

**Note** There was none.

## 8. Adjournment

**Note** Mr. Fox said the next Zoning Meeting is scheduled for May 19th, 2023.

### **Decision** MOTION (2)

Mr. Allen moved to adjourn the April 21st, 2023, Regular Meeting of the BPBCA Zoning Commission at 6:53 p.m.

Mr. Horoho seconded the motion.

Motion carried, 4-0-0.

**Note** Respectfully submitted,  
Brooke Stevens, Recording Secretary