

Minutes of BPBCA Zoning Commission June 20th, 2025, Regular Meeting - 07/18/25

Date and time: 07/18/25 6:00 PM to: 07/18/25 7:13 PM

Present: Brooke Stevens, Recording Secretary, Jim Ventres, Zoning Enforcement Official, Jim Fox, Chairman, John Horoho, Secretary, Betsy Klemmer, Regular Member, Joseph Katzbek, Regular Member, Mike Walsh, Regular Member, Keith Turner, Alternate, Gale Shepard, Alternate, Absent:, Jason Bookmiller, Alternate

CC: Bill Bayne, BOG Member

Location: BPBCA Clubhouse, 6 Sunset Avenue, Niantic, CT, 06357

Topics

1. Call to Order

Note Chairman Fox called the Regular Meeting of the Black Point Beach Club Association Zoning Commission to order at 6:19 p.m. and did roll call; a quorum was present.

Decision MOTION (1)

Mr. Fox moved to add Tom Hickey's email under New Business, to this evening's Agenda.

Mr. Horoho seconded the motion.

Motion carried, 5-0-0.

2. Approval of Meeting Minutes

2-1. BPBCA June 20th, 2025, Zoning Commission Meeting Minutes

Note see attached minutes.

 [Minutes of BPBCA Zoning Commission June 20th 2025 Regular Meeting 07 18 25.pdf](#)

Decision MOTION (2)

Mr. Walsh moved to approve the Meeting Minutes of June 20th, 2025, as submitted.

Ms. Klemmer seconded the motion.

Motion carried, 5-0-0.

3. Public Delegations

Note Public Delegations 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. During delegations, the members of the Commission will not directly answer questions or make comments.

Note There was none.

4. Reports

4-1. Communications and Correspondence

Note The only communication received was Mr. Hickey's email, which has been attached to the Agenda under New Business.

4-2. ZEO: Jim Ventres

Note See attached ZEO report.

 [ZEO_Report_July_2025_\(1\).pdf](#)

Note Mr. Ventres reported on the significant amount of work going on within the community, noting that Black Point has far more active applications than other areas like Giants Neck and Crescent Beach. He described it as many knock downs and rebuilds.

Note He mentioned receiving calls and questions regarding side yards and similar situations, even from architects and surveyors. When asked if these questions were typical or related to smaller lots and recent setback changes, Mr. Ventres confirmed they were from all sizes. He noted that architects have developed a good routine of sending preliminary information to ensure they're on the right path.

4-3. Ex-Officio: Bill Bayne filling in for David Weiss

Note Mr. Bayne said he has two main points based on the previously distributed collateral:

1. The hedge height discussion needs to be recirculated and re-elevated with the Board. He emphasized the importance of public health and property maintenance, suggesting the Zoning Commission will share their work and seek feedback from the Board via Mr. Weiss.
2. A traffic study, initiated in the Master Plan, should be added to the BOG agenda. He suggested that while there are many ongoing projects, the traffic study needs to be addressed at some point.

4-4. Chairman: Jim Fox

Note Mr. Fox recounted a meeting Mr. Ventres attended with Mr. Schepker and Mr. Weiss regarding specific matters and the need to move forward with three key items:

Note 1. The Association's survey identified three spots (presumably property markers) that need to be located by a surveyor. Mr. Weiss agreed to contact a surveyor for this.

Note 2. A document supposedly allowing hedges to be planted on Association property at 54 East Shore needs to be found and verified for its existence and binding nature. This is crucial as it affects the boat launch area.

Note 3. Efforts are underway to initiate a traffic study, as outlined in the Master Plan. Mr. Ventres has re-established contact with Mike Zuba, the original Master Plan consultant, who has since left SLAM. Mr. Ventres is hoping to receive a cost estimate and considerations for the study from Mr. Zuba by next week.

Note Mr. Ventres said an engineer's assessment of road safety is needed, particularly regarding hedges, to alleviate pressure on the Board of Governors. He stressed that only professionals are qualified to determine if something constitutes a road hazard.

Note Mr. Bayne noted that a comprehensive road safety audit would encompass more than just hedges, including road conditions, traffic calming, and professional recommendations, offering a robust document for community engagement with town or police.

Note Mr. Fox expressed appreciation to Jason Bookmiller for his three-year term as an Alternate, which ends today.

5. Old Business

5-1. Continued Review of Zoning Regulations

Note Mr. Ventres reported that Attorney Branse needs to refine the language regarding junk vehicles and signage. He's had new thoughts, including legal precedents, which affect defining "open site" and what language is permissible. Mr. Ventres will clean up the definitions and send them back to Mr. Branse for review.

Note Mr. Ventres provided Mr. Branse with relevant statutes, including the DMV's non-enforcement. Mr. Branse believes that if a state statute requires registration within 90 days of residency, then after 90 days, it's an unregistered vehicle, regardless of DMV enforcement. He cautioned against changing the definition, citing a Supreme Court case where a community's short-term rental prohibition was overturned because it was established after some residents were already operating.

Note A question arose about the regulation allowing 8-foot diameter movable structures near side yards. The issue is that a pool full of water is not movable, nor is an empty hot tub. Mr. Ventres suggested that if an 8x8 pool or hot tub is within the setback and meets movability, it's fine.

Note The Commission discussed the need for clarity in the language to avoid individual interpretation, suggesting adding specific terms like "pool and hot tub" or just "pool."

Note The discussion highlighted that clearer language prevents future confusion when Commission Members change and the original intent of a regulation is lost.

Note Mr. Ventres issued three cease and desist letters this week for unregistered vehicles.

5-2. Continued Review of Property Maintenance Guide

Note The Property Maintenance Guide, originally worked on around 2019, was reintroduced. It's intended as a guide with recommendations, not a blight document, and is hoped to be adopted by the Board as a guide for community members.

Note At the previous meeting Mr. Fox asked the Commission Members to review the guide for updates or additions.

Note Mr. Horoho offered some of the following comments:

*He believes the document should be maintained and eventually posted online as a permanent document under governance or the Zoning Commission.

*He sees no major changes other than updating it to current zoning rules.

*Regarding unregistered vehicles, he suggested waiting for Mr. Ventres' work to be complete to ensure consistency with the current regulations.

Note Mr. Fox raised a concern about having two documents (the guide and zoning regulations) saying the same thing, questioning if it adds confusion.

Note Mr. Horoho believes consistent language eliminates back and forth arguments about which document to follow. He suggested "marrying" corresponding regulations as much as possible, especially for specific items like hedge heights.

Note Ms. Shepard agreed, suggesting adding references to specific zoning regulation item numbers within the guide for clarity.

Note Mr. Horoho mentioned previous discussions about fees for unregistered cars if court action is needed, suggesting the guide could state that property owners might be responsible for fees and costs. Mr. Fox clarified that if it's just a guide, then that's a different discussion.

Note Mr. Bayne emphasized the need for a firm recommendation from the Commission to the Board, to put pressure back on the Board to be more reactive.

Note Mr. Fox confirmed they would share their suggestions with Mr. Weiss once the guide is cleaned up.

Task ☐ Mr. Horoho will perform the updates to the guide and add references to existing regulations and send to Mr. Ventres for review.

Owned by John Horoho, Secretary

6. New Business

6-1. Tom Hickey email

Note see attachment.

 [Hickey_email_exchange.pdf](#)

Note Mr. Fox read an email from Mr. Hickey regarding a permit fee for a recently updated fence. Mr. Hickey's property is next door to the Clubhouse.

Note Mr. Hickey pulled a permit for replacing a chain-link fence (4 feet high, with some remaining parts). Mr. Ventres handled the permit application and associated fee based on the work.

Note Mr. Hickey's email expressed a concern about a \$150 permit fee he paid for a new fence. He believes he shouldn't have been charged for the portion of the fence that was replaced. Mr. Hickey believes he was overcharged by \$105 and should have only paid \$45.

Note Shevon Hickey was in attendance and shared some of the following:

- *The existing fence was a chain-link fence, initially installed by her parents 60 years ago at Mr. Hayes' request to define property lines due to issues with bicycles from the Club.

- *When they did an addition to their house, they desired more privacy in their backyard and decided to replace the chain-link with a privacy fence.

- *During the Memorial Day meeting, Ms. Hickey heard that there were no fees for replacing a fence or a shed. When she confirmed this with Mr. Ventres, she questioned why they were charged \$150 for replacing the chain-link fence.

- *She understood paying for the new picket fence section that ran from the house to the end of the driveway, which cost \$812.82 and would have incurred a \$45 fee.

- *They were told they could not remove the existing chain link fence, so they incurred the expense of re-staking and putting in new chains on the old chain-link section due to bikes leaning on it and age.

- *She stated that the regulations did not specify a fee for changing the size of a fence when replacing it, noting that shed replacements, even with reconfigurations, had no fee as long as they stayed within regulations.

Note Mr. Ventres' interpretation was that even though it was a replacement, the change from a chain-link to a vastly different privacy fence, which was also taller (1-2 feet), constituted a new structure or an enlargement, thereby warranting a higher fee.

Note Mr. Turner shared an anecdote about a similar situation in New London where a fence replacement on the same footprint was deemed fine, regardless of style, as long as it followed setbacks.

Note The consensus among some Commission Members was that if the fence was in the exact same location (footprint), even with a different style or slight height increase, it should be considered a replacement, not a new fence.

Note It was clarified that the \$45 fee would apply to the new picket fence section on the front Sunset side, which was a completely new addition, not a replacement.

Note The Commission reviewed the existing fence regulations, confirming that recent updates primarily addressed fences extending past the front of the house towards the road for safety reasons, not the change in fence style or height in a backyard.

Note Mr. Ventres clarified that the existing chain-link fence section had new posts cemented in and new chains, essentially making it an upgraded version of what was there.

Note Mr. Horoho noted that Mr. Ventres' decision to charge the higher fee was based on his interpretation of "enlargement" within Zoning Regulations. He cited the definition: "any addition to the floor area of an existing building, an increase in the size of any other structure or increase in that portion of the tract of land occupied by existing use to enlarge." He viewed the change from a 4-foot chain-link to a 6-foot privacy fence as an enlargement.

Decision MOTION (3)

Mr. Walsh moved to reimburse the Hickeys \$105.

Mr. Katzbek seconded the motion.

Motion carried, 5-0-0.

Note The Commission made the decision to cancel the upcoming August 15th, 2025, meeting due to scheduling conflicts for Ms. Stevens and Mr. Horoho. Since there are no other available dates, the next meeting will be held on September 19th, 2025.

6-2. Election of Officers

Decision MOTION (4)

Mr. Katzbek moved to add the election of officers to this evening's agenda since no meeting will be held in August.

Mr. Horoho seconded the motion.

Motion carried, 5-0-0.

Note MOTION (5)

Mr. Fox nominated Mr. Horoho as Secretary of the Zoning Commission.

Mr. Walsh seconded the nomination.

Note There were no other nominations.

Decision MOTION (6)

Mr. Fox moved to appoint Mr. Horoho as Secretary of the Zoning Commission.

Mr. Katzbek seconded the motion.

Motion carried, 5-0-0.

Note MOTION (7)

Mr. Horoho nominated Mr. Fox as Zoning Commission Chair.

Mr. Walsh seconded the nomination.

Note There were no other nominations.

Decision MOTION (8)

Ms. Klemmer moved to appoint Mr. Fox as Zoning Commission Chair.

Mr. Walsh seconded the motion.

Motion carried, 5-0-0.

Note Mr. Fox expressed his honor and appreciation for the support.

7. Adjournment

Decision MOTION (9)

Ms. Klemmer moved to adjourn the July 18th, 2025, BPBCA Zoning Commission Meeting at 7:13 p.m.

Mr. Katzbek seconded the motion.

Motion carried, 5-0-0.

Note The next Zoning Commission meeting is scheduled for September 19th, 2025, at 6:00 p.m., and a public hearing is anticipated for October 17th, 2025.

Note Respectfully Submitted,
Brooke Stevens, Recording Secretary

Task Summary

New Tasks

Task ☐ Mr. Horoho will perform the updates to the guide and add references to existing regulations and send to Mr. Ventres for review.

*Owned by **John Horoho**, **Secretary***