

Minutes of Black Point Beach Club Zoning Commission - 06/17/22

Date and time: 06/17/22 6:00 PM to: 06/26/22 7:00 PM

Present: Brooke Stevens, Recording Secretary, Jim Fox, Chairman, Jim Allen, Secretary, John Horoho, John Kycia, Matt Peary (arrived at 6:13 p.m.), Joseph Katzbek, Alternate, Charles Bruce, Alternate, Absent:, Betsy Klemmer, Alternate

CC: Jim Ventres, Zoning Enforcement Official, Jim Mastria, Ex-Officio

Location: Black Point Beach Club Association Clubhouse, 6 Sunset Avenue, Niantic, CT.

Link: <https://app.meetingking.com/meetings/380750>

Topics

1. Call to Order

Note Chairman Fox called the Regular Meeting of the Black Point Beach Association Zoning Commission to order at 6:02 p.m.

1-1. Attendance and Establishment of Quorum

Note Mr. Fox introduced the Commission Members, and noted a quorum was present.

2. Additions to the Agenda

Note There were none.

3. Approval of Meeting Minutes

3-1. May 20th, 2022, Regular Meeting Minutes

Decision MOTION (1)

Mr. Allen moved to approve the Zoning Commission May 20th, 2022, Regular Meeting Minutes as posted.
Mr. Horoho 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.

4-1. Tika Brewer of 58 Whitecap Road

Note Ms. Brewer said some of the following:

Her primary residence is in New York City, and she is an Interior Designer.

She's interested in being part of the Zoning Commission.

She's held a few positions on other Boards- she was the Treasurer for her Co-Op Board in New York City and was also on the Board of Trustees for her daughter's private school.

She knows how big a job like this can be, so she appreciates all the work they do, and would like to be a part of it.

5. Reports

5-1. Communications and Correspondence

Note Ms. Stevens reported that Barbara Johnston emailed asking for a copy of the zoning regulations that were revised in October of 2021, and she has email Ms. Jonston the attachment.

5-2. ZEO Report: Jim Ventres

Note Mr. Ventres said things are going smoothly but have slowed down a little bit; he doesn't know if that's because of Memorial Day, interest, or the lack of materials. He said quite a bit of construction going on.

 [ZEO Report 20220626_0001.pdf](#)

5-3. Board of Governors Ex-Officio: Jim Mastria

Note Mr. Fox welcomed Jim Mastria, the new Ex-Officio for the Zoning Commission. Mr. Mastria said he has nothing to report at this time.

5-4. Chairman: Jim Fox

Note Mr. Fox said he has an item of concern he'd like to discuss and shared some of the following: He had a conversation with a with a contractor who was doing work at an individual's house, who has a hedge at an intersection, and the height frequently does not follow their regulation. He understands that as a contractor, he's under no obligation, but he asked him if it was possible for him to cut the hedge to the regulated height. The contractor told him that he was specifically told by the homeowner not to do so. He said he was speechless and can't think of something more grossly negligent.

Note Mr. Fox said they've discussed this issue at the last few meetings and paramount is safety, especially for the little ones, and no one has any desire to see into someone's backyard.

Note Mr. Fox said he was flabbergasted and didn't know what to do, but knew he wanted to share it with the Commission.

6. Old Business

6-1. Hedge Heights at Intersections

Note The Commission discussed hedge heights and Mr. Horoho asked if other action can be taken if someone doesn't comply with the regulation.

Note Mr. Ventres explained there are two avenues that can be taken, if the property where the hedge is located belongs to the Town, they can coordinate with Public Works and the hedge can come down, otherwise, the legal sequence would be followed. The legal sequence consists of sending notice of violation or a cease-and-desist order, and they had time to appeal it. He explained that if they don't appeal it and they don't rectify things, then they hand it over to the Association Attorney for court action.

Note Mr. Ventres said this is a safety issue so it's kind of ridiculous, but the process must be followed. He said he will take a look around at some of the problematic areas and look at the property lines and their relationship with the Town.

Note Mr. Horoho said he suspects there are some people in the community who don't even realize their in violation.

Note Mr. Ventres encouraged the Commission to ride around in their vehicles and pay close attention to just how poor the current visibility is.

Note Mr. Kycia asked who would be liable if an accident occurred and Mr. Ventres said the homeowner is the one who created the situation. He explained the real problem of liability usually occurs if you're aware of it and if a homeowner receives letters from the ZEO, then they're aware of it.

Note Mr. Fox cited the visibility example Mr. Ventres provided them with at the previous meeting.

 [Visibility.pdf](#)

Note Mr. Peary arrived at 6:13 p.m.

Note Mr. Fox said from his perspective the example is not simple and straight forward, that there is some impressive language associated with it, but he thinks if they could make something more clear and more straightforward, it might be easier to express or share with our community.

Note Mr. Fox said the current regulation is 42 inches in height, 10 feet back from the intersection and the information Mr. Ventres shared illustrates that based on speed limits 80 feet is needed for visibility.

Note Mr. Horoho said he would like to be able to visualize what this means.

Note Mr. Ventres said this is a good item for the Master Plan to explore and Mr. Fox said he doesn't think it will be completed until next year. Mr. Ventres he will obtain a timeline from Mike Zuba in regard to the Master Plan.

Note Mr. Horoho said he will take a look around this weekend to try and visualize what they're discussing.

6-2. A2 Survey Requirement- Mr. Ventres reminded the Commission that they determined large additions are 400 sq ft or greater.

6-3. Accessory Apartments paved driveways

Note Mr. Fox said he believes they've pretty much agreed on amending the language, taking out "paved driveway" and having "an area identified for parking off street parking."

6-4. Terrace/Patio

Note Mr. Fox said at the previous meeting he tasked himself with speaking to the previous Chair which he did, and the "2 inch" requirement predates him. He shared that the previous Chair also contacted his predecessor, and this rule predates him as well.

Task Mr. Ventres asked Ms. Stevens to check the Town records and see how far the Zoning Regulations go back in regard to this item. Mr. Ventres wonders if the regulation at one point said feet instead of inches.

Owned by Brooke Stevens, Recording Secretary due 07/15/22

Note Mr. Bruce asked what this has to do with health, safety, or welfare and the Commission discussed how they don't know what the intent was. Mr. Fox said he's not opposed to modifying it, he's not opposed to removing it, but he's also not necessarily in favor of keeping it the way it is.

Note Mr. Peary said the intent would be helpful and asked if they've ever enforced it.

Note Mr. Horoho said he thinks they should make something better and suggested they print out the regulation at the next meeting, and review it line by line.

Note The Commission further discussed the regulation.

6-5. Nonconforming Buildings & Lots

Note Mr. Fox reminded the Commission that when they cleaned up this regulation a bit to address a narrow lot size previously overlooked, the change resulted in the potential to add a second story; his focus was entirely on the house itself and he didn't consider that structures other than homes could take advantage of this regulation.

Note The Commission discussed the need to put a clause in stating this does not pertain to accessory structures, and Mr. Fox said at their last meeting they talked about the identification of a primary dwelling versus a secondary.

Note The Commission decided they will continue to discuss this item.

6-6. Creation of third BPBCA District "Association Property"

Note Mr. Fox reminded the Commission of the two zones Black Point has- commercial and residential, and how they previously discussed if Association property would be better covered under a separate district. A new district would protect the Clubhouse, the Clubhouse land, the top of Billow, and the Whitecap Lot.

Note Mr. Ventres said a map change would have to go before the Association Members.

Note Mr. Mastria stressed how the intent of this is to leave things as they are and protect them.

Note Mr. Horoho said not everything that needs to be done should be kicked down the road.

6-7. Accessory Unit Screening

Note Mr. Fox said under our current regulation, if you have an air conditioning unit for a generator, you are required to provide screening from the front of the road, if you can see it and we allow this to either be some kind of structure, a fence or some kind of decorative thing for planting. He added that plantings are year-round and are known to die, which is why he's bringing this up for discussion.

Note Mr. Fox said he doesn't feel strongly about this one way or another and the Commission discussed defining what the screening can be.

Note Mr. Fox said he doesn't feel strongly about this one way or another and the Commission discussed defining what the screening can be.

Note Mr. Kycia pointed out that if you define it, you police it.

Note Mr. Ventres said he thinks the regulation needs a bit more direction and Mr. Peary said they need to clearly state the intent.

Note Mr. Allen said they should take the ambiguity out of it and have the same regulation cover everything. He said if the purpose of the regulation isn't being fulfilled, they need to be more specific.

Note Mr. Fox said it sounds like everyone is in agreement about making everything more specific.

Note The Commission will continue to discuss this item.

Note The Commission briefly discussed blight, how it's a Town issue, and extremely difficult to enforce.

Note The Commission also discussed Property Maintenance and Mr. Fox explained how instituting it is at the discretion of the Board of Governors. He noted that he, Mr. Allen, and Mr. Ventres have been asked to attend the next Board of Governors meeting to discuss some of these items.

7. New Business

Note Mr. Fox said there will soon be an opening for a full member position which is typically filled by the most senior alternate, and in this case that's Joe Katzbek. Mr. Katzbek has agreed to be a full member, and this now creates an alternate opening again.

Task Mr. Fox asked Ms. Stevens to pin the post for the zoning opening on the website again.

Owned by Brooke Stevens, Recording Secretary

8. Adjournment

Note The next Zoning Commission meeting is scheduled for July 15th, 2022.

Decision MOTION (2)

Mr. Allen moved to adjourn the BPBCA Zoning Commission June 17th, 2022, Regular Meeting at 6:57 p.m.

Mr. Kycia seconded the motion.

Motion carried, 5-0-0.

Note Respectfully Submitted,
Brooke Stevens, Recording Secretary

Task Summary

New Tasks

Task Mr. Ventres asked Ms. Stevens to check the Town records and see how far the Zoning Regulations go back in regard to this item. Mr. Ventres wonders if the regulation at one point said feet instead of inches.

Owned by Brooke Stevens, Recording Secretary due 07/15/22

Task Mr. Fox asked Ms. Stevens to pin the post for the zoning opening on the website again.

Owned by Brooke Stevens, Recording Secretary