

Minutes of Black Point Beach Club Zoning Commission Regular Meeting - 08/19/22

Date and time: 08/19/22 6:00 PM to: 08/19/22 7:00 PM

Present: Brooke Stevens, Recording Secretary, Jim Fox, Chairman, Jim Allen, Secretary, John Horoho, Joseph Katzbek, Betsy Klemmer, Alternate , Jason Bookmiller, Alternate

CC: Absent:, Matt Peary , Charles Bruce, Alternate, Jim Ventres, Zoning Enforcement Official, Jim Mastria, BOG Member

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

Link: <https://app.meetingking.com/meetings/383926>

Topics

1. Call to Order & Establishment of Quorum

Note Chairman Fox called the Regular Meeting of the Black Point Beach Association Zoning Commission to order at 6:00 p.m.

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

Note see attached minutes.

 [Minutes_07_20_2022_meeting_.pdf](#)

3-1. July 20th, 2022, Special Meeting Minutes

Note Mr. Bookmiller noted that his address in the meeting minutes is listed as 22 Bellaire, when it's actually 23 Bellaire.

Decision MOTION (1)

Mr. Allen moved to approve the Special Meeting Minutes of July 20th, 2022, as corrected.

Mr. Horoho seconded the motion.

Motion carried, 4-0-0.

4. Call for Public Comments

Note There were none.

5. Reports

5-1. Communications and Correspondence

Note Mr. Fox noted he received one communication from Barbara Johnston via email dated August 18th, 2022, which he read into the record:

"Chairman Fox & Commission Members -
Thu, Aug 18, 2022 at 10:13 PM

I've reviewed the minutes for May 2022 & it seems your confusion of regulations refers to the yrs. 2000+ wordings of regs. Seems to make you being confused of purpose ?

What was happening was people enlarging their properties (buildings) to their property & was to flow water away from their property & on to neighbors property.

No concern was given nor consideration to neighbors. It's illegal to flow water to adjoining properties. It's also called elevation in zoning.

Sea Crest Ave. has a number of examples. That different ZEO's approved in those many years to the shame of others.

No consideration was given to height (not that house height) but of new LEVELS of ground (yards) may be a better way to say it. Sea Spray has a prime example. Older home next door was 'shrunk' without even staying with thoughts of the 'character' of the neighborhood etc ! This was also overlooked here many times. Another one really 'poor' example in this harmful planning idea is on Woodland.

Elevation was & should be the prime focus for all properties,

Barbara Johnston
35 Sea Crest Ave."

5-2. ZEO Report: Jim Ventres

Note Mr. Ventres supplied his report.

 [ZEO_Report_July_2022.xlsx](#)

Note Mr. Ventres noted he picked up five applications today.

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

Note Mr. Mastria was not yet in attendance.

5-4. Chairman: Jim Fox

Note Mr. Fox said he is currently reminding members of the community to fill out the Master Plan survey.

6. New Business

6-1. Zoning Commission review regarding feasibility of a possible subdivision of the property located at 12 East Shore Drive.

Note Mr. Fox said he received a communication from the property owner that they decided to withdraw their intentions, so this item has been withdrawn from discussion here.

7. Old Business

Note Review and discussion of current Zoning Regulations

Note See attached regulation review.

 [2022_Review_BPBCA_Zoning_Regulations_copy.docx](#)

7-1. Hedge Heights at Intersections

Note Mr. Fox said the current overall hedge height is a maximum of 42 inches measured from the pavement, which they have discussed at the last few meetings.

Note Mr. Ventres shared some of the following:

Right now, we have a height of 42 inches, and he did a bit of research to determine where that originates from.

The older vehicles were higher so that was a standard back then in the 50s and 60s, because they were up.

Now the standard is 36 inches.

One of the things to consider if you cut it to 36 inches, you've cut it to the bare minimum and it's only good for the day that it's cut, whereas if you cut it to 30 inches, this allows for some growth as well as visibility if you're driving a small sports car.

Note Mr. Fox said he visited the Town Hall and spoke with one of the Town Engineers who was shocked to hear Black Point's regulation is at 10 ft, they didn't realize the regulation was so minimal. He added that the Town recommends that based on what they see day in and day out, Black Point should at the very least, be at 25 feet.

Note Mr. Fox said he recognizes that cars are smaller than they were in the 50s and 60s and this should be considered, but he's actually more concerned about golf carts, scooters, and bicycles, many of which are motorized and zoom around the roads. He hopes that a public hearing date will be set tonight, and he would like to see some proposed language determined.

Note Mr. Fox said at this point in time his personal thought is that the regulation should be 25 feet and 36 inches. He called for Commission thoughts and comments.

Note Ms. Klemmer said in some circumstances this might be a difficult change, but it's a change she would support for safety's sake.

Note The Board briefly discussed the congestion at the corners of Sea View and Sea Crest.

Note Mr. Katzbek observed that it's not just hedges that are the problem, there are also issues with fences and trees, and he has no problem with these items facing the same restrictions as the hedges.

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

Note Mr. Horoho cited his own property for example purposes and asked about properties with topographical issues. He also asked what you would do in the cases where permits were issued for 42 inches, if this rule was to be changed to 36 inches in the future?

Note Mr. Ventres said he doesn't know if the Association has engaged the new Attorney yet, but he did send him an email asking that very question, and is awaiting a response.

Note Mr. Horoho said these are important questions that should be answered prior to making a decision and Mr. Ventres replied that these questions can also be answered at the public hearing.

Note Mr. Horoho said he doesn't have a problem with bringing the distance back or lowering the height and is actually more in favor of 20 feet and 36 inches.

Note Mr. Allen observed that whatever they do will be controversial, but they're charged with the health, safety, and welfare of the community. He discussed how they're unable to control the high speeds of vehicles, and how this is one mechanism they can control.

Note Mr. Allen said they have discussed here several times how there's collateral issues all around us; people don't obey the speed limits, people go through stop signs, the Police Department has staffing issues and shortages, and this is something the Commission can constructively do to help address the situation.

Task Mr. Allen noted there is also seems to be a discrepancy in this community between many of the stop bars and stop signs and he is not sure if this will come into play; he will check with the Town to determine if they have a standard for this.

Owned by Jim Allen, Secretary

Note Mr. Allen said in his opinion, he thinks they should take it down to 36 inches and bring it back to 20 feet, so that they extend the curb line or the edge of the street; there's no uniformity for the width of the streets here, and they're starting to get more curving as storm drains are replaced.

Note Mr. Allen said it would be nice to decide on this once and be done but time has demonstrated the need for them to constantly look at updating all our rules and regulations to make sure that they're doing what we intended them to do.

Note Mr. Mastria brought up the intersection of Bellaire and East Shore and Mr. Fox noted it's mostly horrible due to the fence, and how they don't have a lot of opportunities to fix those types of things.

Task Mr. Fox said they will get clarity from the Attorney in regard to the fencing.

Owned by Jim Ventres, Zoning Enforcement Official

Note Mr. Bookmiller offered some of the following:

He thinks it's really important to have a basis for the standard.

He thinks some of the comments communicates the basis for 36 inches verses 42 inches.

It's easier for people to get on board if they realize it's a safety issue.

He agrees with the 25 feet as well, especially if that is what the Town recommends but 20 is probably more reasonable given our lot sizes here.

He is in favor of a standard change because that's the right thing to do for everyone's safety.

How this is communicated matters.

He thinks most people would agree if this information were communicated properly.

Perhaps there could be some type of waiver process for extra difficult situations such as an elevation issue.

He can't find one that works for outdoors, but in warehouses they have these really nifty things that tell you when someone's coming in a blind corner.

If he's going full head of steam with a fork truck, it's going to tell him to stop because it sees somebody coming the other way.

They may be able to employ a similar type of technology in some of these intersections.

It could be battery powered or solar powered and be utilized for one of these waiver type situations if the person could find it and pay for it.

Note The Commission further discussed the poor visibility at some of the community intersections and possible solutions.

Note Mr. Fox explained the public hearing process.

7-2. A2 Survey Requirement

Note Mr. Fox said he believes they decided at the last meeting that they're all set with this item; the requirement will be for a site plan or need to survey for all new homes and any major additions 400 sq ft or larger.

7-3. Accessory Apartments paved driveways

Note Mr. Fox noted that the Commission also previously determined that they're all in agreement on this matter as well; the language will be changed to "parking demonstrated."

7-4. Terrace/Patio

Note Mr. Fox said he did a little research on his own which was sent to the Commission Members in preparation for the meeting. He noted how they've talked about in the past that anytime they're looking at a regulation and they can look at what others have done; it makes their job a little easier to figure out what the right wording might be. Mr. Fox said in this case, he looked at the regulations Groton Long Point crafted.

 [Zoning_Regulations_GLP.pdf](#)

Note Mr. Fox said in Groton Long Point's regulations under definitions, they have "patio or terrace", which is an approved or graded area on the surface of the ground, not exceeding a height of 6 inches above the ground. He added that they also have another area of under definitions called "raised patio," and this is an elevated structure constructed with normally used building material, with or without railings or roof, not exceeding at 18 inches at its highest point above the average ground level.

Note Mr. Fox thinks they must have dealt with something similar, and this helps to address some of the topography changes, some of the slope, and how the raised patio is constructed. He added that in their actual regulations it says that "Patio repairs may be constructed on a building lot that extends to the outer limits of the property line. A patio/terrace will not be included in the computation of building coverage. A raised patio may be constructed on a lot and must adhere to the required front, side and rear yards. A raised patio will not be included in the computation of building coverage."

Note Mr. Fox asked for Commission Members thoughts and comments.

Note Mr. Horoho said he think these regulations are great and here's no need to reinvent the wheel; they have great language, which is clear, and define a deck as something attached, and if it's not attached, it's a patio or raised patio. He sees no reason not to give strong consideration to 18 inches.

Note Mr. Horoho said he's also in favor of the language that states "a raised patio may be constructed and must adhere to required front side and rear yards."

Note Mr. Allen said he concurs as long as it's good for Mr. Ventres from an enforcement standpoint.

Note Mr. Fox said they do a good job of delineating between decks, patios, and raised patios.

Note Mr. Ventres said they have a lot of patio space that is currently within the setback in this community, and they might want to consider the regulation before they craft something that makes many areas nonconforming. He said they could opt to use the same language but keep the regulation at 5 feet instead of utilizing a sliding scale.

Mr. Ventres said they're working within an environment that is already built, which is something to consider.

Note Mr. Horoho said if 5 feet is easier to navigate than a sliding scale, he's fine with using 5 feet for the regulation. Mr. Katzbek, Mr. Bookmiller, and Ms. Klemmer concurred.

Note The Commission agreed on a 5 feet setback for the raised patios and that decks will follow the standard that already exists today.

7-5. Nonconforming Buildings & Lots

Note Mr. Ventres said the wording "excluding fencing" needs to remain because there are some places where a fence has got to be five feet off the property, but not here.

Note Mr. Ventres said some of the following:

Is the intent to allow flexibility for the primary single-family home and not to be used for detached accessory structures being used as accessory apartments?

He's asking, because he's going to provide a hypothetical example.

There's a garage around the corner.

It's one story, the side yard is 15 feet, it's a conforming lot that that garage is built prior to zoning.

It's five feet from both side yards, so it's preexisting non-conforming.

If it burns tomorrow, under the old regulations, it can rebuild exactly the way it was.

If it burns today under existing regulations, they can build up.

Note Mr. Fox replied not for a secondary structure and Mr. Ventres said they need to actually say that, to make it clear. Mr. Ventres said he would cross out "use of accessory apartments" so that everything is covered.

7-6. Creation of third BPBCA District "Association Property"

Note Mr. Fox noted that he believes they are set on this item, and they will send it to the Board of Governors for referral.

7-7. Accessory Screening

Note Mr. Fox reminded everyone how the idea here is to emphasize year-round screening and how they agreed at the previous meeting that no further discussion of this item is needed.

8. Roster Sheet

Note The Commission briefly reviewed the Zoning Roster sheet and told Ms. Stevens what edits were needed.

9. Zoning Regulation Revisions

Note Mr. Fox noted that a public hearing date needs to be scheduled.

Note Mr. Ventres reminded the Commission that they need to give 35 days' notice, post it twice in the newspaper, post it on the website, and file it in the Town Clerk's office.

Note The Commission discussed holding it October like they did last year, and Mr. Allen suggested they cancel their regular meeting scheduled for Friday October 21st, and hold a public hearing on Saturday October 22nd, followed by a Special Zoning Commission meeting.

Note The Commission discussed how it would be best to make the hearing a zoom hybrid so that more members are able to attend if they choose to.

Decision MOTION (2)

Mr. Allen moved to hold a Hybrid Zoning Commission Public Hearing on Saturday October 22nd, 2022, at 9:00 a.m., with a Special Zoning Commission Meeting to immediately follow.

Mr. Horoho seconded the motion.

Motion carried, 4-0-0.

Decision

Please Note: It was discovered after the August 19th, 2022, meeting that the Clubhouse was already reserved for October 22nd, 2022. The Zoning Commission Public Hearing will take place on October 21st, 2022, at 5:00 p.m.; the Regular Zoning Commission Meeting will immediately follow the Public Hearing.

10. Adjournment

Note

Mr. Fox noted the next Zoning Commission meeting is scheduled for Friday September 16th, 2022, at 6:00 p.m.

Decision

MOTION (3)

Mr. Horoho moved to adjourn the August 19th, 2022, Zoning Commission Regular Meeting at 6:49 p.m.

Mr. Allen seconded the motion.

Motion carried, 4-0-0.

Note

Respectfully Submitted,
Brooke Stevens, Recording Secretary

Task Summary

New Tasks

Task Mr. Allen noted there is also seems to be a discrepancy in this community between many of the stop bars and stop signs and he is not sure if this will come into play; he will check with the Town to determine if they have a standard for this.

Owned by Jim Allen, Secretary

Task Mr. Fox said they will get clarity from the Attorney in regard to the fencing.

Owned by Jim Ventres, Zoning Enforcement Official