



PLANNING COMMISSION

Regular Meeting

Town Hall

February 7, 2012

At 6:05 p.m. in the Town Hall, Chairman Bruce Brinkley, having established a quorum, called to order the Regular Meeting of the Planning Commission. In attendance were Commissioners Roger Munz, Joan Natali and Mike Strub. Vice Chair Dennis McCoy and Commissioner Malcolm Hayward were not in attendance. Also present were Town Planner Tom Bonadeo and Town Clerk Libby Hume. There were no members of the public in attendance.

A moment of silence was observed followed by the Pledge of Allegiance.

REGULAR MEETING PUBLIC COMMENTS

There were no comments from the public nor any written comments submitted prior to the meeting.

CONSENT AGENDA

Tom Bonadeo requested that Item 5a-Sign Ordinance Review be removed from this month's agenda and substituted with an update regarding the Northampton County Zoning Text Amendment and a review of current bills in legislation.

Motion made by Joan Natali, seconded by Mike Strub and unanimously approved to amend the agenda as discussed.

The Commissioners reviewed the minutes for the January 3, 2012 Public Hearing & Regular Meeting.

Mike Strub noted that under Reports, item iii), the word "and" was omitted. Joan Natali noted that the word "and" was omitted in the first sentence under Subdivision Ordinance Modification. In this same sentence, there was some discussion regarding the use of the term "except." Tom Bonadeo stated that this was the legal terminology where exceptions from the ordinance were made for certain actions. Mike Strub stated that the second paragraph under Other Business was confusing and suggested the language be changed for better clarification.

Motion made by Joan Natali, seconded by Mike Strub, to approve the minutes from the January 3, 2012 Regular Meeting as modified. The motion was unanimously approved.

REPORTS

Tom Bonadeo stated that January had been a tremendously busy month and reported the following: i) Northampton County was holding several comp plan meetings throughout the County and the meeting in Cape Charles was very well attended and lots of comments were received. He submitted statistical data to the County regarding the amount of available commercial space and buildable lots in Town. Currently, there was over 48K SQFT of commercial space ready to rent and 700 empty residential lots. The County staff was amazed at these numbers; ii) Boytos & Boytos had laid the foundation blocks for the Harbor bath house. Due to a survey error, two more rows of block had to be added to the foundation. The restaurant was ready for walls to be installed and the boardwalk had been installed along the west dock; iii) The new wastewater treatment plant was now taking effluent from the Town and processing it using the new technology. The contract for the removal of the old plant was expected to be awarded at the next Council meeting; iv) The Sinclair Tower had been installed and was ready to go. AT&T and Verizon would be moving their antennae to the new tower soon and there was room for three additional providers; v) Gamesa had submitted their Joint

Permit Application for a 5MW wind turbine in the Bay about two to three miles off the coast of Cape Charles. An electric line would be coming ashore in the Cape Charles Harbor area. The Wetlands Board will be reviewing the information at their February 29th public hearing and meeting; vi) The Bay Vista subdivision also submitted an application to install a new form of breakwater. This system was new to Virginia and would require some monitoring from VIMS and VMRC to get full approval. The system would use a nearly continuous line of protection similar to a coral reef causing the wave energy to be absorbed by the concrete shapes and sand would be deposited landward. The system had the potential to build the beach on its own which would be straighter than the scalloped system currently used. This would also be reviewed by the Wetlands Board on February 29th and the VMRC in March.

Joan Natali asked about the status of the effluent reuse of the water from the new wastewater treatment plant by Bay Creek. Tom Bonadeo stated that there were legal issues regarding land ownership and the DEQ's ability to issue variances. Once the variances were received from the DEQ, everything should be okay for Bay Creek to reuse the effluent.

OLD BUSINESS

Northampton County Zoning Text Amendment

Tom Bonadeo explained that the County's Zoning Ordinance included a Dual Planning Area which would be considered an equivalent to the Town's Corridor Overlay area. This was an area where the Town and County would work together to regulate what was permitted to be built. The County was holding a public hearing tonight and reviewing an application requesting a zoning amendment to permit structures up to 60' in height in the County. If approved, this would also permit 60' structures along Route 184 (Stone Road) coming into Town. Tom Bonadeo stated that he submitted an email to the County Planning Commission expressing the Town's opposition to the zoning amendment which would be read at the public hearing.

Review of Current Bills in Legislature

Tom Bonadeo stated that a list of bills being reviewed by the House and Senate was included in the agenda packet and demonstrated the Legislative Information System (LIS) website where individuals could search and track the process of various bills. The Commissioners briefly reviewed the following bills: i) HB 327 – Would provide that a locality could require by ordinance that certain structures within a historic district not be demolished except in compliance with the local ordinance, unless the local building department determined that it constituted such a hazard that it should be razed and removed. This bill unanimously passed the House of Delegates on February 1st and would cross over to the Senate on February 15th; ii) SB 68 – Would create a tax credit, not to exceed \$100K, for businesses that rehabilitate or retrofit older industrial buildings in which new business was located for taxable years beginning on or after January 1, 2013. No action had been taken by Senate Finance to date; iii) SB 130 – Would establish the Building Revitalization Grant Fund, administered by the Housing Development Authority, to award grants up to \$100K to businesses that made a capital investment of \$1M in revitalizing or retrofitting buildings to serve as a new place of business. The bill reported unanimously by the Senate General Laws Committee on January 23rd and was referred to Senate Finance; iv) HB 491 and SB 122 – Would authorize localities to serve as a receiver, appointed by a Circuit Court, to repair blighted and derelict buildings. HB 491 unanimously passed by the House of Delegates on January 25th and the Senate would take action on February 15th. SB 122 was reported unanimously from the Local Government Committee on January 31st and was unanimously passed by the full Senate this week; v) HB 527 – Would establish the Virginia Slave Commission which would, among other things, determine the educational and economic value to the Commonwealth of preserving sites and facilities of historic and archaeological significance to African American Culture and contributions. This bill could be significant for the Rosenwald School, but had been tabled.

Section 8.22 – Demolition of Structures

Tom Bonadeo stated that a Joint Public Hearing with the Town Council was held earlier this evening and no public comments were received. The Commissioners reviewed the proposed language.

Roger Munz asked what would happen if, upon receipt of the engineer's report, the Code Official agreed with the report and the Zoning Administrator could not reach an agreement. Tom Bonadeo stated that the Town Manager would be the final authority and added that occasionally, he and Jeb Brady disagreed on issues. Tom went on to state that he leaned more toward historic preservations and Jeb Brady leaned more toward public safety.

Roger Munz noted that several meetings ago, he had expressed his concern regarding the current language in § 8.21.B.1. where a property owner could demolish a structure if the structure had been available for sale at fair market value for a period of 12 months with no offers and had suggested that "fair market value" be changed to "appraised value." Tom Bonadeo explained that the Town would have to obtain an appraisal on each request to determine whether the property was being offered for sale at an appropriate price, which would increase costs for the Town. Joan Natali stated that the language being modified was in a different section of the ordinance.

Motion made by Joan Natali, seconded by Roger Munz, to recommend approval of the proposed text changes to Section 8.22 of the Zoning Ordinance as presented. The motion was unanimously approved.

Adaptive Reuse

The Commissioners reviewed the proposed modifications to § 3.2.C.7. of the Zoning Ordinance to allow for adaptive reuse of some buildings in the Residential (R-1) Zone of the Historic District, such as the old Presbyterian Church, the former Cape Charles School, the Cape Charles Memorial Library along with other church buildings that were not candidates for single family homes.

Joan Natali asked whether an exception to the requirement that new utility services be placed underground could be made if the power pole for a property was across the street. Tom Bonadeo stated that the utility wires could be bored under the street and no exceptions would be made. Bruce Brinkley asked why ANEC would not be responsible to bury the electrical wires adding that if the Town had an ordinance requiring underground utilities, ANEC would be responsible to follow the ordinance. Tom Bonadeo stated that he would refer this issue to legal counsel for their input.

Motion made by Mike Strub, seconded by Roger Munz, to schedule a Joint Public Hearing with Town Council immediately preceding the March Planning Commission Meeting. The motion was unanimously approved.

NEW BUSINESS

There was no New Business to review.

ANNOUNCEMENTS

Bruce Brinkley asked for an update on Chase Brady. Tom Bonadeo stated that Chase was off the ventilator and was being taken off oxygen. Joan Natali added that Jeb and Marie Brady were hoping to be able to bring Chase home this Friday.

Motion made by Roger Munz, seconded by Mike Strub, and unanimously approved to adjourn the Regular Meeting of the Planning Commission.

Chairman Bruce Brinkley

Town Clerk