



**PLANNING COMMISSION**  
**Public Hearing & Regular Meeting**  
**Town Hall**  
**January 3, 2012**

At 6:00 p.m. in the Town Hall, Chairman Bruce Brinkley, having established a quorum, called to order the Public Hearing and Regular Meeting of the Planning Commission. In attendance were vice Chair Dennis McCoy and Commissioners Roger Munz, Joan Natali and Mike Strub. Commissioner Malcolm Hayward was 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.

**PUBLIC HEARING PUBLIC COMMENTS**

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

**Motion made by Mike Strub, seconded by Roger Munz and unanimously approved to close the Planning Commission Public Hearing.**

**REGULAR MEETING PUBLIC COMMENTS**

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

**CONSENT AGENDA**

Tom Bonadeo suggested that the agenda be reversed in order beginning with Item 6b and working back to Item 5a.

**Motion made by Roger Munz, seconded by Joan Natali and unanimously approved to amend the agenda as suggested beginning with Item 6b and working back to Item 5a.**

The Commissioners reviewed the minutes for the December 6, 2011 Regular Meeting. Dennis McCoy stated that he would abstain from the vote since he was not in attendance at the meeting.

**Motion made by Joan Natali, seconded by Mike Strub, to approve the minutes from the December 6, 2011 Regular Meeting as presented. The motion was approved by majority vote with Dennis McCoy abstaining.**

**REPORTS**

Tom Bonadeo reported the following: i) The contract with Boytos & Boytos for the Harbor Bath House was signed today. The Town was also working on the erosion and sedimentation plan for the site which was required in a Chesapeake Bay Preservation Area and would help keep runoff from entering the Bay; ii) The insurance information was received today for the wireless broadband testing and the contractor should begin installing the antennae tomorrow; iii) The Harbor Area Review Board (HARB) reviewed plans for the restaurant at the Harbor and were submitting their recommendation to Town Council to move forward. There were several areas of concern which were forwarded to the Code Official and would be included in his report; iv) The Bank of America branch in Cape Charles announced that they would be closing in March. A credit union was interested in opening a branch office and was looking at a couple of buildings on Mason Avenue as a possible location. An announcement was expected soon as the credit union planned to be open before the closing of the Bank of America; v) The final concrete test results for the Sinclair FM Tower foundation were above expectations and the tower should be installed soon; and vi) The

Northampton County Planning Commission had begun their review of the Northampton County Comprehensive Plan. Several community meetings have been scheduled around the County to gather input from residents. The Cape Charles meeting was scheduled for Wednesday, January 25<sup>th</sup> from 6PM – 9PM, but a location still had not been determined.

## **NEW BUSINESS**

### *Adaptive Reuse*

Tom Bonadeo informed the Commissioners that the Town Council requested an amendment to the zoning ordinance to allow for the adaptive reuse of some buildings in 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 currently in the Residential (R-1) Zone and were contributing structures to the Historic District but not candidates for single family homes. The purpose was to save these historic structures from destruction while preserving the residential character of the neighborhood. The Town would allow adaptive reuse on contributing historic structures in the R-1 zone by conditional use permit which would include notifications being sent to neighboring property owners, advertisement in the newspaper and the scheduling of a public hearing before the conditional use permit could be approved. There was some discussion regarding other structures in Town which were over 50 years old, but not included in the National Historic District, and had similar issues. The Commissioners agreed that these structures should also be considered for adaptive reuse. Joan Natali suggested language stating that “any structures in the National Historic District and other structures 50 years old or older ...” The other Commissioners expressed their agreement with this language. The Commissioners reviewed the Adaptive Reuse Ordinance from the City of Los Angeles. Tom Bonadeo explained that he included this ordinance as an example for the Commissioners to see that other cities have also addressed this issue and added that the ordinance for Cape Charles could be really simple. Tom Bonadeo stated that he would draft language to be reviewed at the next meeting.

### *Annual Election of Chair and Vice-Chair*

Tom Bonadeo stated that the Bylaws of the Planning Commission require the election of officers at the first meeting after November 1<sup>st</sup> of each year and the elected Chair and Vice-Chair serve for one year. Due to sickness, only a minimal quorum was made at the December 6<sup>th</sup> meeting and the quorum agreed to suspend the election of officers until January so more of the Commissioners could participate.

Mike Strub asked whether Bruce Brinkley would be willing to continue to serve as Chair for another year, to which Bruce Brinkley agreed.

**Motion made by Mike Strub, seconded by Dennis McCoy, to elect Bruce Brinkley as Chair of the Planning Commission for 2012. There were no other nominations. The motion was approved by unanimous vote.**

Joan Natali asked whether Dennis McCoy would be willing to continue to serve as Vice-Chair for another year, to which Dennis McCoy agreed.

**Motion made by Joan Natali, seconded by Roger Munz, to elect Dennis McCoy as Vice-Chair of the Planning Commission for 2012. There were no other nominations. The motion was approved by unanimous vote.**

## **OLD BUSINESS**

### *Section 8.22 – Demolition of Structures*

The Commissioners continued their review of Section 8.22 – Hazardous Buildings or Structures and reviewed the proposed text change suggested by Tom Bonadeo. Bruce Brinkley expressed his concern with the language requiring a letter from a structural engineer vs. a registered design professional (RDP) as required by the Code of Virginia. Tom Bonadeo stated that he had talked to

Code Official Job Brady and it was felt that a RDP may not be qualified to make a determination regarding whether a building was structurally sound. Bruce Brinkley asked whether an environmental engineer would be considered regarding hoarders, feces, etc. in a building. Tom Bonadeo responded that in these cases, the Code Official could make the determination and proceed with enforcement. Bruce Brinkley did not object any further, but stated that he felt it was dangerous not to go with the State Code.

Roger Munz asked for examples of buildings which could fall under this issue. There was some discussion regarding the various buildings throughout town in disrepair and several that could be demolished.

**Motion made by Dennis McCoy, seconded by Mike Strub, to schedule a joint public hearing with the Town Council in February to hear public comments regarding the proposed modifications to Section 8.22 of the Zoning Ordinance as presented. The motion was unanimously approved.**

#### *Subdivision Ordinance Modification*

The Commissioners continued their discussion regarding modifications to the subdivision ordinance and reviewed the proposed change to Section 2 – Definitions suggested by Tom Bonadeo to except certain actions from the full subdivision requirements as follows: i) Boundary adjustments between adjoining landowners where new lots were not created; ii) Release of some mortgages; iii) Division of a parcel by eminent domain; and iv) Division of a parcel for the purpose of conservation. These areas now required compliance with the full subdivision ordinance requirements which created costly paperwork with no value. A public hearing was held earlier in the meeting and no comments were heard. There was some discussion regarding how other localities handle similar issues. Roger Munz noted that in Cape Charles, the majority of cases would be for consolidation of lots vs. subdivision of lots.

**Motion made by Roger Munz, seconded by Dennis McCoy, to recommend adoption of the text change to the Subdivision Ordinance as discussed to the Town Council. The motion was unanimously approved.**

#### *Sign Ordinance Review – Draft Ordinance*

Tom Bonadeo distributed updated copies of Section 4.1 of the Zoning Ordinance explaining that several graphs were deleted but other sections had not yet been updated due to Libby Hume's absence from the office due to sickness. The Commissioners reviewed the ordinance with the following discussion: i) In Section H.1.a. – Wall signs, the aggregate area was discussed in Table H.1.a(1). Single-family residential signage was 2 SQFT, Multi-family residential signage was 12 SQFT and Nonresidential in a residential zone signage was up to 50 SQFT. Table H.1.a(2) was deleted; and ii) Tom Bonadeo stated that the Town currently did not have any regulation for Free-standing signs (Section H.1.b.) and the language from the International Zoning Ordinance was too complicated for Cape Charles. Several buildings in Town were discussed in regards to their signage. Roger Munz noted that Rayfield's had their name on the building as well as a free-standing sign. Tom Bonadeo stated that the signs were placed before he came to Cape Charles and added that he would check on the process and work done for those signs. The possibility of allowing larger signs for larger properties was discussed, such as the former Reliable property and Sullivan's. Review of the ordinance will continue at the February meeting.

#### **OTHER BUSINESS**

Tom Bonadeo stated that he would begin working on updates to the zoning map since there have been several changes made regarding zoning.

Tom Bonadeo informed the Commissioners that he had met with the new owner of 309 Mason Avenue. The new owner also owned a house in Bay Creek and was a glass etching artist and would

be opening a shop in the location by next summer. This building qualified for historic tax credits and tax abatement by the Northampton County and Town.

Joan Natali asked how far along the Town was in the 5-year timeline for the comprehensive plan. Tom Bonadeo stated that we were about half way into the timeframe and added that he would be requesting funding in the next budget year for a consultant to begin the process of the comprehensive plan update. This would allow the Town one-year to plan and one-year to update the comprehensive plan and allow time to get citizen input and involvement.

**ANNOUNCEMENTS**

There were no announcements.

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

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Chair Bruce Brinkley

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Town Clerk