



**PLANNING COMMISSION**  
**Public Hearing & Regular Meeting**  
**Town Hall**  
**April 5, 2011**

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 Commissioners Ben Lewis, Dennis McCoy, Roger Munz, Joan Natali and Mike Strub. Commissioners Malcolm Hayward arrived at 6:02 p.m. Also present were Town Planner Tom Bonadeo and Town Clerk Libby Hume as well as the applicant, Ms. Miriam Elton. There were no members of the public in attendance.

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

Bruce Brinkley stated that the business for the public hearing was to hear comments on the Conditional Use Permit (CUP) application for a home occupation at 548 Madison Avenue.

**PUBLIC COMMENTS**

There were no comments from the public.

Tom Bonadeo stated that he received an email from Mr. George Proto of 546 Madison Avenue, in support of a home bakery business at 548 Madison Avenue stating that he believed it would have no impact on the surrounding neighborhood and a positive impact on the Town of Cape Charles due to the additional revenues it would bring and the potential for increased visibility of the Town as a business-friendly environment.

Ms. Elton, the applicant, stated that she would like to have her business up and running by Memorial Day, but the US Department of Agriculture (USDA) had recently changed the permit process in that the applicant must submit a copy of the approved CUP with the USDA application. Tom Bonadeo informed Ms. Elton that if the Planning Commission recommended approval of the CUP, he would write a letter informing the USDA of the recommendation for approval for her to submit with the application.

**Bruce Brinkley closed the Public Hearing portion of the meeting.**

**REGULAR MEETING PUBLIC COMMENTS**

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

**CONSENT AGENDA**

Tom Bonadeo asked that Item 7b – Sign Ordinance be added to the agenda. This section of the Zoning Ordinance needed to be reviewed and he would like to ask for assistance from the Planning Commission.

**Motion made by Joan Natali, seconded by Roger Munz and unanimously approved to accept the agenda format as amended.**

The Commissioners reviewed the minutes for the March 1, 2011 Regular Meeting.

Mike Strub noted a typographical error on the second page under Old Business – Corridor Overlay – Routes 184 & 642, fourth paragraph, sixth line, which should read “The Commissioners ... supply services to the Town Edge” vs. “Town.”

**Motion made by Joan Natali, seconded by Mike Strub, to approve the minutes from the March 1, 2011 Regular Meeting as amended. The motion was unanimously approved.**

## **REPORTS**

Tom Bonadeo reported the following: i) The Blessing of the Fleet was scheduled for this weekend and the main dock and finger docks at the Harbor were almost complete. The bathhouse building was reviewed by the Harbor Area Review Board and their comments will be forwarded to the Town Council; ii) The Cape Charles Trail Project was continuing into the next phase. Land Studio would be providing the design work and grants were in place to design and construct the next phase which includes North Peach Street and Washington Avenue; iii) There were two projects along Mason Avenue. The work on the Mason Avenue Forcemains was moving along and the Cape Charles Hotel was undergoing renovations and would probably be renamed the Hotel Cape Charles. The owners plan to open for business in late July or early August. A third of the building was slated to be a restaurant; iv) The deal for the former Delisheries Building was back on the table and the prospective owners were planning to open a sushi restaurant with a second and third floor addition/renovation; v) The Joint Permit Application for Gamesa, a wind turbine company, was approved by the VMRC. A recent article in the Virginian Pilot reported that Gamesa planned to build one turbine in the water and one on land for design and development purposes. Tom Bonadeo recommended that the Commissioners search the Internet regarding the wind turbine in Lewes, DE for more information; and vi) A Joint Permit Application had been received for the Bay Vistas subdivision on Washington Avenue to construct an offshore breakwater with beach nourishment. These lots suffered extreme erosion and the applicants need to do something to protect their property.

Malcolm Hayward asked about the Harbor bathhouses. Tom Bonadeo explained that the project had not yet been put out for bids. Staff was meeting tomorrow with the engineer to review some design changes.

## **OLD BUSINESS**

### *Conditional Use Permit Application – 548 Madison Avenue – Home Occupation*

Tom Bonadeo reviewed the CUP application to operate a home business producing baked goods in the R-1 zone at 548 Madison Avenue. The applicant would not be selling the baked goods from her house. The baked goods would be delivered to bakery subscribers and no large trailers would be delivering supplies so traffic would not be disrupted or increased. The character of the existing zoning district would not change as no evidence of a home based bakery would be apparent. Last month, the Commissioners reviewed the criteria outlined in Article 4 of the Zoning Ordinance for operating a home business and it was determined that the application met all nine criteria.

A public hearing was held earlier this evening and no comments were heard. Mr. George Proto submitted an email in support of this application.

Mike Strub asked if the baked goods would be sold to retailers. Ms. Elton stated that she would deliver her baked goods weekly to subscribers which were mostly consumers but several small retailers, such as the Gull Hummock, were also purchasing her products.

**Motion made by Ben Lewis, seconded by Malcolm Hayward and unanimously approved to forward the application to Town Council with a recommendation for approval.**

### *Sign Ordinance*

Tom Bonadeo distributed Article IV of the Zoning Ordinance to the Commissioners and stated that he had received several requests for signs recently. The Sign Ordinance was Section 4.1. Tom Bonadeo stated that, in his opinion, the ordinance, as written, gave the impression that the Town was trying to control the signs and did not want to allow too many signs, but asked the Commissioners to read through the language to see how they would interpret the intent. Tom

Bonadeo also asked the Commissioners to look at the existing signs as they rode around the Town and further discussion would take place at the May meeting.

**NEW BUSINESS**

There was no new business to review.

**OTHER BUSINESS**

Roger Munz asked Tom Bonadeo for more details about Item #9 of his Staff Report regarding the Joint Permit Application for Bay Vistas. Tom Bonadeo explained that the Bay Vista property owners had lost significant property to beach erosion and have submitted an application for a breakwater and beach nourishment to protect their properties from further erosion. There was a question regarding the Sea Breeze Apartments and Tom Bonadeo explained that this plan would not protect the Sea Breeze property but the owners of Sea Breeze were working with the USDA, who was the mortgage holder for the property through 2033, for funding to do a similar project. Tom Bonadeo added that he was expecting to receive an application for a Wetlands Permit from the owners of Sea Breeze.

Roger Munz asked whether the Planning Commission should establish rules requiring plans for a breakwater, etc. for development of beachfront property or something to be handled at the time when lots were divided for subdivisions. Joan Natali stated that these lots were already subdivided and that she was not aware of any other beachfront property that had not yet been subdivided.

Tom Bonadeo stated that the entire area was in the Chesapeake Bay Preservation Area which required that 100' of the RPA could not be built upon and must be noted on a subdivision plat. Anything in the RPA must be resurveyed at the time of plat or development and must have been done within one year of development.

Roger Munz stated that guidelines should be in place requiring plans be made re: erosion for any new subdivisions. Tom Bonadeo stated that he would check with legal counsel but he did not think the Town could mandate such a plan. Tom Bonadeo added that if anyone had any questions regarding the Chesapeake Bay Preservation Act, to please stop in to see him and he would be glad to answer their questions.

**ANNOUNCEMENTS**

Tom Bonadeo stated that the Blessing of the Fleet started Friday evening with a ceremony and party. Joan Natali added that there would also be a second Harbor Party on Saturday from 3:30 p.m. – 7:30 p.m.

There were no other announcements.

**Motion made by Roger Munz, seconded by Joan Natali and unanimously approved to adjourn the Public Hearing and Regular Meeting of the Planning Commission.**

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Chairman Bruce Brinkley

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Town Clerk