



PLANNING COMMISSION
Public Hearing & Regular Meeting
Town Hall
November 2, 2010

At 6:00 p.m. in the Town Hall, Chairwoman Natali, having established a quorum, called to order the Public Hearing and Regular Meeting of the Planning Commission. In attendance were Commissioners Bruce Brinkley, Ben Lewis, Dennis McCoy and Mike Strub. Commissioners Malcolm Hayward and Roger Munz were not in attendance. Also present were Town Planner Tom Bonadeo and Town Clerk Libby Hume as well as one member of the public.

PUBLIC HEARING 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 Dennis McCoy and unanimously approved to close the Planning Commission Public Hearing.

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

PUBLIC COMMENTS

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

CONSENT AGENDA

Hearing no comments, the agenda was approved as presented by unanimous consent.

The Commissioners reviewed the minutes for the October 5, 2010 Regular Meeting.

Dennis McCoy noted a typographical error at the top of page 2.

Motion made by Dennis McCoy, seconded by Bruce Brinkley, to approve the minutes from the October 5, 2010 Regular Meeting as amended. The motion was approved by unanimous consent.

REPORTS

Tom Bonadeo reported the following: i) The Harbor Redevelopment project was split into two separate projects and will be put out to bids separately. The restroom building was redesigned to reduce costs; ii) The Trail Project has reached substantial completion and a punch list of items was created and the contractor is working on a response. The final 60+ trees are to be planted November 8-10; iii) Beach grass will be planted on November 15th by students from Northampton High School. The public works staff was in the process of installing snow fence; iv) The Town Council met regarding the

boundary adjustment and it was decided to move forward with the process. A Boundary Adjustment Committee meeting was held on September 29th and Cheriton also plans to move forward. Since this meeting, letters of non-support have been received from property owners from Tower Hill and Kings Creek Landing subdivisions. A re-evaluation of this decision was in progress. The Historical Overlay language, which was developed by the Planning Commission several years ago, was recently reviewed by the Northampton County Planning Commission and returned with their modifications. Tom Bonadeo stated that this document will be reviewed at the December meeting; and v) The bids for the fishing pier and boardwalk repairs were expected soon. This project would be funded in part by FEMA because the pier and boardwalk were damaged in the November 2009 Nor'easter storms.

Mike Strub asked about the repairs to the fountain at the park. Tom Bonadeo stated that the repairs have been completed and the fountain had been turned off for the winter.

Dennis McCoy asked about the status of the wastewater treatment plant and the connection to Bay Creek. Tom Bonadeo stated that the connection to Bay Creek had been completed.

OLD BUSINESS

Group Home

Tom Bonadeo explained that during the last General Assembly session, many new bills were adopted. Since the Commonwealth of Virginia closed some of its hospitals for mental illnesses, this bill allowed the establishment of homes to care for these people in single family zones and was a requirement to be adopted into local zoning ordinances. The Commissioners reviewed the proposed language to Articles 2.9, 3.2.B.6 and 4.0.C.1 of the Cape Charles Zoning Ordinance.

Motion made by Mike Strub, seconded by Dennis McCoy, and unanimously approved to recommend Town Council adopt the proposed modifications to the Cape Charles Zoning Ordinance.

Temporary Family Healthcare Structure

Tom Bonadeo explained that another bill adopted by the General Assembly required local zoning ordinances to allow family health care structures in the single family zone. A family healthcare structure was an accessory structure of 300 SQFT or less for no more than one occupant who must be a family member who was mentally or physically impaired. The Commissioners reviewed the proposed changes to Articles 2.9 and 4.2.E of the Zoning Ordinance.

Motion made by Mike Strub, seconded by Dennis McCoy, and unanimously approved to recommend Town Council adopt the proposed modifications to the Cape Charles Zoning Ordinance.

Modifications to Zoning Ordinance – Chesapeake Bay Preservation

Tom Bonadeo explained that during the review of the Town's Zoning Ordinance by the Chesapeake Bay Local Assistance group, it was noted that some strengthening of the language would help reinforce our developers' observance of the Resource Protection

Area. These additions would be made to the Site Plan Ordinance. The Commissioners reviewed the proposed language for Section 4.B of the Site Plan Ordinance.

Motion made by Bruce Brinkley, seconded by Dennis McCoy, and unanimously approved to recommend Town Council adopt the proposed modifications to the Cape Charles Zoning Ordinance – Site Plan Ordinance.

NEW BUSINESS

207 Mason Avenue – Conditional Use Permit for Residential Over Commercial

Tom Bonadeo stated that a Conditional Use Permit (CUP) application had been received requesting residential use over commercial at 207 Mason Avenue which was the former Delisheries building. This building had a CUP approved in 2003 for residential use with a second floor and loft. This CUP was extended in 2004 and 2005 due to the applicant being deployed for military service, but the CUP was never acted upon. Eventually the building was sold. The current application is similar to the original except the applicant was asking to add a second and third floor for two apartments. The front of the building would be modified to meet the architectural design requirements of the Historic District guidelines.

Tom Bonadeo informed the Commissioners that this property was scheduled for a tax sale in January 2011 and may go into foreclosure so time is of the essence. The Historic District Review Board (HDRB) reviewed this application at their October meeting and required that the applicant go back to the HDRB to review the final details of the plan. Due to the time restraints, Tom Bonadeo recommended scheduling a joint public hearing with the Town Council preceding the next Planning Commission meeting. Town Council would then be able to vote on this application at their next regular meeting.

Motion made by Dennis McCoy, seconded by Mike Strub, and unanimously approved to schedule a joint public hearing with the Town Council on December 7, 2010 preceding the Planning Commission Regular Meeting.

546 Madison Avenue – Conditional Use Permit for Home Occupation

Tom Bonadeo stated that a CUP application had been received requesting permission to operate a business producing chocolate confections at 546 Madison Avenue. The R-1 Zone allowed home occupations by CUP. The business was small volume and the applicant did not expect any change in traffic. The Commissioners reviewed the application.

Motion made by Bruce Brinkley, seconded by Dennis McCoy, and unanimously approved to schedule a joint public hearing with the Town Council on December 7, 2010 preceding the Planning Commission Regular Meeting.

Election of Officers

Tom Bonadeo stated that Article 3 of the Cape Charles Planning Commission By-Laws required the election of a Chair and Vice-Chair at the first regular meeting following November 1 of each year. The term of office would be for one year and re-election was allowed. Joan Natali was the current Chair, but since her election to Town Council was now serving on the Commission as Town Council representative. Article 2 of the By-

Laws state that the Commission was to be made up of seven members – one member would be a representative of Town Council and six members would be appointed members. Article 4 of the By-Laws state that both the Chair and Vice-Chair shall be appointed members of the Commission; therefore, Joan Natali was not eligible to be re-elected as Chair. Currently, the Commission did not have a Vice-Chair. Eileen Cobb, who resigned in June, was Vice-Chair. The Commission decided to wait until the November election to name a replacement Vice-Chair.

Joan Natali asked whether any of the Commissioners would be interested in self-nominating themselves and added that she had spoken to Malcolm Hayward and he informed her that he was not interested in serving as Chair or Vice-Chair of the Commission.

Dennis McCoy self-nominated himself for Vice-Chair and Bruce Brinkley stated that he would be willing to serve as Chair. Mike Strub stated that he joined the Commission in July 2010. Even though he had attended most of the meetings to date, he would feel more confident of being Chair or Vice-Chair next year.

Tom Bonadeo explained that the Chair presides over meetings and appoints any sub-committees. The Vice-Chair acts in the absence of the Chair.

Bruce Brinkley was elected as Chair and Dennis McCoy was elected as Vice-Chair by unanimous vote.

Joan Natali asked Bruce Brinkley if the 6:00 p.m. start time was sufficient for him since he worked across the bay. Bruce Brinkley stated that 6:00 p.m. was good for him.

Mike Strub stated that Joan Natali had done a great job in moving the meetings along and thanked her for her service as Chair of the Commission.

Tom Bonadeo stated that the December 7, 2010 meeting would be preceded by the Joint Public Hearings with Town Council and asked that the Commissioners review the Historic Town Entrance Corridor Overlay which was distributed earlier in the meeting.

ANNOUNCEMENTS

There were no announcements.

Motion made by Dennis McCoy, seconded by Joan Natali and unanimously approved to adjourn the Regular Meeting of the Planning Commission.

Chairman Bruce Brinkley

Town Clerk