

YORK COUNTY CHESAPEAKE BAY BOARD

Minutes of June 28, 2023

A meeting of the York County Chesapeake Bay Board was held on Wednesday, June 28, 2023, at 6:00 p.m. in the Multi-Purpose Room in the Public Works Administration Building, located at 105 Service Drive, Yorktown, Virginia. This meeting was performed with staff, Paul Brindza, Acting Chair, and six Board members present.

Board Members Present:

Paul Brindza-Acting Chair
Jerry Patterson
Joseph Colvin
Jack Jordan
Bradley Berrane
Julius Johnson
Isai Urasa

Staff Present:

Kent Henkel, Engineering Specialist III
Brenda Farmer, Administrative Technician
Sheree Konstantinou, Assistant County Attorney

The meeting was called to order at 6:00 p.m. by the Acting Chair, Paul Brindza

PUBLIC COMMENT PERIOD

The Chair opened the Chesapeake Bay Board's public comment period; no one came forward; the public comment period was closed.

APPROVAL OF THE MINUTES

A motion to table the May 24, 2023 minutes until the July 26, 2023 meeting was made.

Note: PowerPoint slides were shown throughout the public hearing.

CHESAPEAKE BAY EXCEPTIONS/APPEALS

- **Exception 23-111 for James Clayton at 1122 Wormley Creek Drive:** After-the-fact request to retain 760 sq. ft. of pavers installed within the 100-foot Resource Protection Area (RPA) buffer along Wormley Creek.
- Kent Henkel, presented the application, the project history and photographs of the site. He explained that in 2015 the applicants were given approval to replace the existing pool in the RPA, but approval was not given for the pavers. Kent explained that when the applicants submitted a new plan to remove the old house and build a new one is when the pavers were discovered. Kent explained to meet the mitigation requirements in the Riparian Buffers Modification & Mitigation Guidance Manual, 1 canopy tree, 2 understory trees, 5 large shrubs and 5 small shrubs must be planted.

The Chair opened the public hearing.

Mr. William Duguay of 110 Heritage Place, contractor for the applicant, came forward and stated he had been hired to build a new house for the applicants due to mold infestation. Mr. Duguay

stated it cost more money to renovate what he has, than to build something new. Mr. Duguay explained that if you look at the site plan, the house has actually been moved forward approximately 20 feet, which would give the applicant a net credit, because they are coming out of the RPA in order to accommodate a situation that Mr. Clayton thought was approved by the County.

Mr. James Clayton of 1122 Wormley Creek Drive, came forward and stated that he too is a builder and has built more than 1,000 houses in York County and Williamsburg. Mr. Clayton explained that when he bought this house he had no idea it was infested with black mold so the option of redoing the house, is not a choice. The Board asked Mr. Clayton when the pavers were put in. He believes it was 2016. The Board inquired if Mr. Clayton knew about the RPA? He did. Mr. Clayton stated he thought the pavers were approved with the pool.

The public hearing was closed.

The Board discussed whether there should be a condition to the approval. Conditions are applied.

A motion was made by Mr. Jordan to adopt Resolution 23-111B with the following conditions:

- Mitigation will be 1 canopy tree, 2 understory trees, and 10 large shrubs.

The motion was approved on the following roll call:

Jerry Patterson	Yes
Joseph Colvin	Yes
Bradley Berrane	Yes
Julius Johnson	Yes
Isai Urasa	Yes
Jack Jordan	Yes
Paul Brindza, Acting Chair	Yes

Mr. Brindza declared the Exception has been granted.

- **Exception 23-124 for Shawn and Emily Casey at 106 Colonna Point:** Request to install a covered patio (225 sq. ft.) in the 100-foot RPA buffer along Patricks Creek.

Kent Henkel, presented the application, the project history and photographs of the site. Kent explained that this house was built after the Chesapeake Bay Act, presented an aerial photo and the plan showing all the existing development on the property is outside the RPA at this point. Kent stated the impervious area for the covered patio is 225 square feet and mitigation requirements are 1 tree and 5 shrubs in the RPA buffer.

The Chair opened the public hearing.

No one came forward.

The public hearing was closed.

A motion was made by Mr. Johnson to adopt Resolution 23-124B as submitted on the plan received May 26, 2023.

The motion was approved on the following roll call:

Bradley Berrane	Yes
Joseph Colvin	Yes
Isai Urasa	Yes
Jerry Patterson	Yes
Jack Jordan	Yes
Julius Johnson	Yes
Paul Brindza, Acting Chair	Yes

Mr. Brindza declared the Exception has been granted.

- **Exception 23-125 for Matthew Hill at 327 Cattail Lane:** Request to install an above ground pool (254 sq. ft.) in the 100-foot RPA buffer along Brick Kiln Creek.

Kent Henkel, presented the application, the project history and photographs of the site. Kent stated that the property owner did have a pool previously, but it has been removed. Kent stated the mitigation would be 1 tree, and 7 shrubs. Kent explained the applicant did not submit a mitigation plan, but has stated he would plant what is required.

The Chair opened the public hearing.

Ms. Diane Wynder of 325 Cattail Lane came forward, and stated Mr. Hill had added the old pool last year in 2022 when it started getting warm, she noticed a couple of weeks ago he had removed it. Ms. Wynder inquired about how much bigger the new pool would be. Staff informed her it would be the same size as the old pool.

The public hearing was closed.

A motion was made by Mr. Jordan to adopt Resolution 23-125B as submitted on the plan received May 26, 2023.

The motion was approved on the following roll call:

Bradley Berrane	Yes
Joseph Colvin	Yes
Isai Urasa	Yes
Julius Johnson	Yes
Jerry Patterson	Yes
Jack Jordan	Yes
Paul Brindza, Acting Chair	Yes


Mr. Brindza declared the Exception has been granted.

NEW BUSINESS

OLD BUSINESS

ADJOURNMENT

There being no further business to come before the Board, the meeting adjourned at 7:15 pm.



Paul Brindza, Acting Chair


Date