

Historic Yorktown Design Committee

Minutes

July 20, 2022
East Room
York Hall
301 Main Street
Yorktown, Virginia

Members Attending: Carolyn Weekley, Chair
Jose Longoria
Thomas Tragle
Larry Raithel, alternate

Staff Attending: Earl W. Anderson, AICP

Ms. Carolyn Weekley called the meeting to order at 7:00 PM.

Old Business

None

New Business

Minutes

Mr. Larry Raithel asked about the commentary they received from Mrs. Krams on the previous minutes.

Mr. Earl W. Anderson stated that he felt her commentary was not to change the minutes, but to provide her perspective on what the minutes stated. For example she commented that the application was not a replacement, but in her opinion it was a new unit. The area in the minutes she is referencing was discussing what the applicant put on their application, which was part of the staff memorandum that directly quoted from said application. So it would not necessarily change the fact that it was on the application, but is her commentary.

Mr. Raithel stated that he understood.

The minutes of the April 20, 2022 meeting were approved unanimously with a minor correction by Ms. Carolyn Weekley.

Election of Vice Chair

Mr. Thomas Tragle nominated Jose Longoria for Vice-Chairman and moved approval of the motion. By voice vote, the motion was approved unanimously.

Application No. HYDC-220-22, 524 Water Street, Larry's Lemonade

Mr. Earl W. Anderson submitted the staff report, which stated that this application, submitted by Larry's Lemonade, seeks a review of a previous approval granted for the installation of a new utility unit on the roof of the building located at 524 Water Street. The utility unit was an HVAC unit which the building permit listed as a replacement for a similar unit. In the previous approval, granted on April 20, 2022, the HVAC unit was approved with the condition that the roof surface and utility units and associated accoutrements be painted gray or black. The applicant has reported that estimates to paint the flat roof have an average cost of \$20,000, which they feel is too costly an expense. No written estimates have been submitted. The applicant is seeking a review of the approval, requesting to remove the condition requiring the roof to be painted gray or black.

In the previous approval, the applicant submitted a permit to the Building Safety office for the replacement of a gas package (HVAC) unit that was to replace an existing unit. The County Building Safety office does not require plans when applying for a like for like replacement. The approval under the Historic Guidelines was inadvertently missed and the office approved the permit. The installation was in process when a concern was received from the residential neighbor. The neighbor submitted a picture of the roof, which did not show a unit of the same size on the roof or with any unit installed in that same location. An investigation of previous Historic Guidelines approvals did not show any new utility units being installed on the roof. The applicant has stated that a unit of the same size was located on the roof and this was a like for like replacement, but did not have any pictures to show the previous unit on the roof. The new unit has been installed.

In staff's opinion, the new HVAC unit is not visibly obtrusive from the beach or the sides of the building and the previously recommended extension to the parapet wall would not serve to alleviate any visibility. The view from the bluff and public staircase is the most relevant and has the most visibility. However, currently the roof has several other utility units, fire suppression, and other commercial units, all of which have been on the roof for many years and will continue to be nonconforming to the Guidelines.

Painting the roof gray would provide a camouflage and blend in the various items on the roof with the roof itself. In researching the ability to paint a rubber membrane roof, staff found guidance stating that rubber membrane roofs can be painted with an acrylic coating specifically designed for rubber roofing. Costs for the paint ranged from \$330 to \$100 for a five gallon bucket, where one bucket would cover about three-quarters of the roof surface area. Additional research on the cost of labor to coat a roof ranged from \$0.65 to \$5 per square foot. Therefore, based on the 2,000 square foot building, the labor to coat the roof would range from \$1,300 to \$10,000. Even on the low end of the range, the cost to paint the roof would be substantial. Therefore, due to the cost and the nature that the current nonconforming units on the roof will not change drastically with the addition of this new unit, staff is recommending that the committee remove the condition to paint the roof.

County staff will continue to work with the applicant, the Economic Development Authority, and other County staff to help improve the view from the bluff.

Mr. Anderson also noted that if you compare the picture of the old roof and the newer pictures you can see that various units have been removed; thereby, reducing the overall intensity of the roof units. This was not noticed in the last report, but you can see there have been units removed from the northwestern side of the roof.

Mr. Anderson stated that the County is also working with Economic Development and Larry's Lemonade to put a fence on the northwestern side of the building to block the carbonation tank on the back and the door to the kitchen. This would give them a little bit of outdoor storage in a place where no one could see it. The biggest difficulty is the property line is right near the building and the adjacent property is a right-of-way, where the County maintains the stairway. The details are still being worked out, but the goal would be to put in a fence that would be high enough to block views from people walking down the stairs and give them room for storage.

Mr. Tom Tragle asked what the red coloration was on the roof.

Mr. Anderson stated that it was oxidation.

Mr. Vic Reynolds, Larry's Lemonade, said the red color comes from the dirt that gathers on the roof and gets wet and then bakes in the sun.

Mr. Tragle asked how old the roof was.

Mr. Reynolds stated that he put it on two years ago.

Mr. Tragle noted that the HVAC unit is a real focal point for the eye.

Mr. Jose Longoria opined that from his notes of the last meeting, Larry's Lemonade was supposed to find out if the roof was paintable and from the research Mr. Anderson stated, it obviously is.

Mr. Reynolds stated that he does have the quotes with the lowest being around \$16,000. He clarified that it is not just painting the roof it is a foam roof and it is more difficult than just putting a coat of paint on it.

Mr. Longoria commented that the business was supposed to find out if the roof could be painted, which they did but is uncertain if the Committee should take into account the cost. The task of the Committee is to look at the design and painting the roof gray will accomplish a complementary design.

Mr. Anderson said that the cost is somewhat of a factor, as it is little bit onerous to make the property owner pay \$10,000 or more to paint, especially when the business reduced the overall number of units on the roof.

Mr. Raithel stated that what was missing from the discussion was that the Committee was trying to come up with solutions. The group settled on the gray paint as the best solution. If there as a way to integrate the view, it would look much better. He said used to be a renewable energy guy and worked with installing things on roofs and noted that the roof looked bad. He said that Mr. Reynolds has to admit that is not a good thing to look at coming down the public stairs.

Mr. Tragle agreed that the HVAC unit is big and obtrusive; however, why is the Committee taking in the whole roof, which has been there for years. He asked if the whole roof is within our purview or just the unit. The business has taken away three other units on the roof, but we are saying we want the whole roof fixed. He also agrees it looks terrible, but cannot that be solved by the business owner cleaning the roof?

Mr. Reynolds stated that the roof can be cleaned. The problem with pressure washing is that the original roof is still under all that new paint and the old roof was foam. To remove the foam it would cost almost \$75,000 to put a new roof on. He doesn't own the building, but his lease states that any repairs made, maintenance upgrades, or any other upkeep, comes directly out of his pocket. He has tried hard to do his part, but to get back to the question, the roof can be mopped.

Ms. Weekley opined that the Committee wants the unit to be complementary to the rest of the roof and the solution was to paint the whole roof to camouflage it. However, the application is saying the cost is prohibitive.

Mr. Reynolds noted the quote he received of \$16,763.12. He looked at pressure washing the roof and hired a company to give him an estimate. The company went up and tried to wash it and they put a hole through the roof. Since they couldn't pressure wash it, he had them patched the hole with more foam and a little paint. He is frustrated because this is not his building. He is concerned about sending one of his staff up there to clean it because they are waiters and cooks and don't know how to walk on roofs. He knew it needed to be hired out and the low estimate was \$16,000. The quote says they have to first scuff it up, so the paint will stick, then apply a special paint that works on rubber. Unfortunately, the picture submitted from the neighbor does not show all he has removed. The new picture compared to the other shows the removed equipment. He has tried very hard to make it look good.

Mr. Raithel asked if there was not a way for the County to require the owner of the building to make improvements.

Mr. Anderson stated that the property owner is the ultimate responsible party.

Mr. Raithel opined that the County needs to tell the property owner to fix their building, because it looks bad and the tenant is doing the best he can.

Mr. Anderson said that he understood the concern and reiterated that the property owner has ultimate responsibility for their property. In this case, the tenant is under contract to make the improvements. He said that no matter what, the property owner is the responsible

party and if your decision was not completed by the applicant, the County would take the property owner to court to make sure the requirements were met. Additionally, with these applications, the property owner is notified of all decisions, so they are aware of what is happening.

Mr. Raithel stated that he understands contracts and he gets that the property owner has given the responsibility to the tenant; however, it seems beyond reasonable, because of the age of the building that the tenant continues to be responsible. Someone needs to talk to the property owner and tell them to take care of their buildings.

Mr. Reynolds explained the current process for these properties owned by Greg Grainger, G-Square. When Mr. Grainger gets anything in the mail about this property or the Pub, he sends it to Mr. Rick Tanner, who is in charge of everything about those buildings and has been for the last several years and the next 20 years. It is a deal that Mr. Tanner worked out with Mr. Grainger's father. Currently, he (Mr. Reynolds, Larry's Lemonade) is in a legally binding lease with the Pub owner. So, he understands that he is responsible. However, he has done as much as he can. He showed the Committee the two units on the front side of the roof saying these are called HVAC splits. They are not very efficient and have a hard time cooling the structure. Also, on the side of the building, there is a three-ton HVAC unit that is just for the kitchen. Before COVID hit, he had ordered two new splits. They just finally came and during the installation he decided to remove the glycol refrigeration unit that they were using for interior cooling, which used to be next to the easternmost split. He also pointed out an area of the roof where there was natural degradation where the foam is just collapsing. The roofing company is saying that in order to do the repair correctly, they need to remove the entire roof. In his opinion the units he has remove from the roof and his initial repair of the roof and its painting has made it look much better than the way it came to him several years ago. The improvements he has made are still an enhancement to what was there previously and this whole process has been an upsetting factor for him.

Mr. Tragle thanked Mr. Reynolds for the information and asked if he still intended to hire someone to mop and clean the roof.

Mr. Reynolds agreed that he was going to hire a professional to clean the roof.

Ms. Weekley asked if there were any public comments.

Mrs. Beverly Krams stated that cost should not be a factor for complying with the Historic Guidelines. She stated the most recent roof shingle replacement on her two homes cost her \$40,000 and she is getting ready to paint both houses, which will be \$20,000 to \$30,000. Many people in the village fought against the adoption of the Historic Guidelines for three years. She stated that they do not want the extra rules that the rest of the County has to comply with. The Guidelines take away her property rights without compensation. They tell her what color she can paint her door, what kind of roof she can have, what kind of shutters, and what kind of fence. It is a taking of her property rights that no other County residents have to comply with. The whole premise of the Guidelines was to protect the historic village. When they are all gone, Yorktown will still be here. Every time there is a

deviation from the Design Guidelines or an exception, the preservation of the village is hurt.

Mr. Reynolds asked if he could interrupt. He stated that he did not like that this was upsetting Mrs. Krams and the balance of what was in Yorktown. He will remove the HVAC unit from the roof in the next 30 days and he will have the roof repaired and cleaned.

Mr. Tragle asked if he was talking about removing the new large unit.

Mr. Reynolds stated that yes that was his intent. The roof will go back to the way it was.

Mr. Raithel said that he was concerned that removing the unit right before August was going to be detrimental to the business and keeping customers and staff cool. He asked if there was an alternative that could be proposed for the Committee to vote on with a different placement. He did not want Mr. Reynolds to remove the unit until that was settled.

Mr. Reynolds opined that he felt he did not have another option and he will figure it out.

Ms. Weekley asked about putting the unit on the ground or on a stand.

Mr. Reynolds stated that there is too much bureaucracy to dig out something on that site. He is simply trying to make the best out of a bad sandwich, as that was what was given to him. He understands that he has made some business decisions in that building that were not the best for him. He never should have gone as far as he went. However, he cannot continue. He does not want Mrs. Krams to be upset. He knows the history and wants to respect it.

Mrs. Krams said she has a lot of family history in the village and that is why she is so devoted to Yorktown. She just wants to make it better. Anyone who moves to Yorktown, either to live or work should do no harm.

Mr. Tragle stated that he appreciated Mr. Reynolds attitude and willingness to bite the bullet and going the extra yard, because as a resident the improvements that were made are great. He appreciated all that Mr. Reynolds has done in trying to make the building look better.

Mr. Longoria agreed and noted that he would like to see how Mr. Reynolds planned on cooling the building before he removed the new unit.

Ms. Weekley agreed and asked Mr. Reynolds to bring forward an alternative before removing the unit.

Mr. Longoria made a motion to table the request until the August meeting.

By voice vote, the motion to table the request was approved unanimously.

Staff Reports

Mr. Anderson discussed the administrative approvals completed since the last meeting and he reviewed them with the Committee.

Committee Requests

The Committee discussed submitting the letter that was distributed previously to the Board of Supervisors concerning the appeal submitted for the tents at Larry's Lemonade and the Pub. The Committee agreed with the language and voted to submit the letter to the Board of Supervisors.

There being no further business to come before the Committee, the meeting was adjourned at 8:30 pm.

Respectfully Submitted,

Earl W. Anderson, Secretary

Approved by HYDC: Earl W. Anderson