

MINUTES
BOARD OF SUPERVISORS
COUNTY OF YORK

Regular Meeting
August 16, 2016

6:00 p.m.

Meeting Convened. A Regular Meeting of the York County Board of Supervisors was called to order at 6:03 p.m., Tuesday, August 16, 2016, in the Board Room, York Hall, by Chairman Jeffrey D. Wassmer.

Attendance. The following members of the Board of Supervisors were present: Walter C. Zarembo, Sheila S. Noll, W. Chad Green, Jeffrey D. Wassmer, and Thomas G. Shepperd, Jr.

Also in attendance were Neil A. Morgan, County Administrator; J. Mark Carter, Deputy County Administrator; Vivian A. Calkins-McGettigan, Deputy County Administrator; and Melanie Economou, Assistant County Attorney.

Invocation. Reverend Connie Jones, Grace Episcopal Church, gave the invocation.

Pledge of Allegiance to the Flag of the United States of America. Boy Scout Troop 226, Peninsula United Methodist Church, led the Pledge of Allegiance.

PRESENTATIONS

INTRODUCTION OF NEW MEMBERS TO YORK COUNTY BOARDS AND COMMISSIONS

Mrs. Noll introduced Mr. Joseph Pack, newest member to the Wetlands Board, and presented him with a Boards and Commissions Handbook and a York County pin.

VIRGINIA ASSOCIATION OF COUNTIES ACHIEVEMENT AWARDS

Mr. Larry Land, VACo Director of Policy Development, presented the following VACo Achievement Awards to the following York County recipients:

Information Technology

- File Structure and Accountability: Information Technology, Tim Wyatt, Deputy Director for Information Technology

Fire and Life Safety

- Taking Action Against Fire Service: Criminal Justice and Public Safety Cancer – Hoods and Wipes, Assistant Fire Chief Jeff Payne
- Training for Life – For Those Served: Criminal Justice and Public Safety and Those That Serve

COMMENDATION OF RETIRING EMPLOYEE

Mrs. Noll congratulated Albert Maddalena upon the occasion of his retirement from County service, and presented him with a bound and sealed certified copy of Resolution R16-85 commending him for his past service.

CITIZENS COMMENT PERIOD

Mr. Greg Garrett and Mr. Andrew Shannon, of the Southern Christian Leadership Conference (SCLC), requested that Supervisor Green join them at the podium and give assistance in honoring Sheriff Danny Diggs.

Mr. Garrett stated a culture had been established in the York County-Poquoson Sheriff's Department that was a culture of respect and courtesy, and it did not tolerate people being treated unfairly. He noted that since taking office as the Sheriff for York County and Poquoson, there had not been a single confirmed complaint.

Mr. Shannon stated Sheriff Diggs and the York County-Poquoson Sheriff's Department represented their community because of a belief in civic engagement and community relations. He noted this was the first time in the history of the SCLC organization that a presentation of this type had been made to a public safety official. Before presenting the proclamation to Sheriff Diggs, he read the proclamation on behalf of the SCLC recognizing Sheriff Diggs and the Sheriff's Office for their dedication and service to humanity.

Mr. Green echoed Mr. Shannon's comments and commended the York-Poquoson sheriff's Department along with Sheriff Diggs for their exemplary service to the citizens of York County.

Sheriff Diggs expressed his appreciation to Mr. Shannon and the Southern Christian Leadership Conference for the recognition, stating it was very important to note that the members of the Sheriff's Office were the ones who deserved this credit because they were the ones who were out there 24 hours a day, day and night, through thick and thin, who exhibited exemplary conduct around the clock. He stated it was recognized almost every day by the citizens who bring them some nice food or offering or by the comments that the Sheriff's Office receives on Facebook and elsewhere that speaks much of the community and the mutual respect they all have for each other.

Chairman Wassmer expressed the Board's grateful appreciation to the men and women of the Sheriff's Department.

COUNTY ATTORNEY REPORTS AND REQUESTS

Ms. Melanie Economou, Assistant County Attorney, had nothing to report at this time.

COUNTY ADMINISTRATOR REPORTS AND REQUESTS

Mr. Morgan wished everyone a Happy Labor Day.

MATTERS PRESENTED BY THE BOARD

Chairman Wassmer stated this past week he had the opportunity to recognize the Yorktown Naval Weapons Station for being in York County for 99 years. He stated it was one of the County's largest employers, and it has almost one-fifth of the total land mass in York County. He stated the Weapons Station has been a great partner with York County, and it was his honor to the facility.

Mr. Green again commended the York County Sheriff's Department and thanked Mr. Shannon and the Southern Christian Leadership Conference for the presentation of the proclamation commending Sheriff Diggs and the York-Poquoson Sheriff's Office.

Mr. Shepperd asked the citizens to mark their calendars for the District 5 Town Meeting to be held on October 11 at Tabb Elementary School at 7:00 p.m. He stated the town Meeting would include an orientation of what the County looks like in District 5, information about crime reports, budgets, stormwater, traffic, and development in the District 5 area, as well as other vital information. He noted there would also be a question and answer period. Mr. Shepperd asked that citizens be on the lookout for the green flyers that would be circulated in District 5 approximately two weeks before the Town Meeting.

Mr. Zarembo gave an update on the WADMAC meeting he had attended last night, stating it was the Committee charged with planning and marketing the tourism dollars. He noted there had been about a 5 percent increase in tourism since this time last year.

Mrs. Noll thanked the Boy Scouts for their attendance this evening and for leading the Pledge of Allegiance. She then warned the citizens that during this time of extreme temperatures they should drink lots of water and watch out for their pets. She added special care was needed for older people going out in the noon-day sun. She cautioned residents not to go out during the day unless it was absolutely necessary and to be aware of the possibility of heat stroke.

CONSENT CALENDAR

Mr. Shepperd addressed Item No. 6, stating he thought the Code allowed for a three-year look-back on taxes and this item was for four years.

Mr. Morgan stated the Code is for three years plus the current year.

Mr. Shepperd asked how the County could assess a property at about a half-acre more than what was actually there.

Mr. Morgan stated he could not tell Mr. Shepperd the mechanics of this other than everybody that had looked at it had concluded it was an honest mistake. He stated the GIS calculation on the plat was wrong; so once that was realized and the resident brought it to staff's attention, all the parties, including the Treasurer, Commissioner of the Revenue, the Assessor, and the County Attorney's Office all thought the right thing to do would be to make the reimbursement for the error.

Mr. Shepperd stated the point he was trying to make was that the citizens need to make sure the information for the property they are paying taxes on is correct because they might be taxed on something more than what should be. Mr. Shepperd then addressed Item No. 7, asking how long the County has been in a relationship with the City of Hampton on 9-1-1 communications.

Mr. Morgan stated it was a new relationship.

Mr. Shepperd stated he felt it was important to note that the County had a great relationship with the City of Poquoson, James City County, and Williamsburg; but there was not a lot of interaction with the cities outside of the Waterworks, so he thought it important to note that with the Hampton 9-1-1 center.

Mr. Morgan stated Mr. Hall was always looking for ways to strengthen the regional emergency communication network, but on this item Hampton had come to the County stating it might need a backup; and it had been determined with Hampton providing a small amount of funds to make some upgrades, and as long as the County had the right to make the call, there would be no downside for the County. He stated it would also strengthen regional emergency communications.

Mr. Shepperd addressed Item No. 8 regarding the CSX stream restoration, asking if the restoration was near the railroad track. He stated he knew there had been a problem where there

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was flow out of Edgehill, and he knew some work had been done there. He asked if this was a part of that previous work.

Mr. Morgan stated this was another project that was part of the same tributary system that was actually north and south of the tracks. He noted there were actually two forks of the headwaters of the Poquoson River, and there had long been a proposal both for flood control and for water quality to do stream restoration. He stated this was the next step in that process which would be to actually commission an engineering firm to design the stream restoration.

Mr. Green asked if this item included anything to strengthen the overpass where the CSX tracks were located or if this was strictly stream restoration.

Mr. Morgan stated there was some retention benefit but as it had not been designed yet, the first mission would be water quality improvement; but stormwater management would also be looked at. He stated the actual crossing under CSX had been substantially improved by CSX with some pressure from the County not too long ago, and some work on the County’s part had been accomplished above the tracks.

Mrs. Noll moved that the Consent Calendar be approved as submitted, Item Nos. 4, 5, 6, and 7, respectively.

On roll call the vote was:

Yea: (5) Zaremba, Noll, Green, Shepperd, Wassmer
Nay: (0)

Item No. 3. APPROVAL OF MINUTES

The minutes of the July 19, 2016, Regular Meeting of the York County Board of Supervisors were approved.

Item No. 4. EMPLOYEE OF THE QUARTER: Resolution R16-94

A RESOLUTION TO COMMEND WILLIAM H. BANKS, JR. AS EMPLOYEE OF THE QUARTER

WHEREAS, William H. Banks, Jr., has been employed with the County since June, 1994; and

WHEREAS, Mr. Banks routinely receives excellent marks from the citizens of the County when he travels to citizens’ properties and collects/removes their large yard debris. A typical and consistent citizen remark is that Mr. Banks is professional, courteous, and “leaves my yard cleaner than it was before”; and

WHEREAS, Mr. Banks is also a very reliable team player, pitching in to answer telephone calls at the Waste Management Center, supporting special events in Yorktown for solid waste collection, and providing special emergency large yard debris collections for homeowners’ associations; and

WHEREAS, Mr. Banks was most recently spotted being a Good Samaritan while assisting a driver change her flat tire and commenting “It’s what we do as part of being a York County employee”; and

WHEREAS, Mr. Banks has always served the County and performed his duties with a positive attitude and collaborative spirit; and

WHEREAS, this is clearly an effort that deserves recognition;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors, this 16th day of August, 2016, that William H. Banks, Jr., be, and he is hereby, congratulated upon his selection as Employee of the Quarter for the quarter ending June 30, 2016.

Item No. 5. REFUND OF TAXES: Resolution R16-93

A RESOLUTION TO AUTHORIZE A TAX REFUND TO MICHAEL
W. AND DEBORAH C. BOWLER

WHEREAS, York County Code § 21-7.3 requires approval from the Board of Supervisors for the payment of any refund of taxes, penalties and interest in excess of \$2,500.00; and

WHEREAS, Michael W. and Deborah C. Bowler have made a proper request for a tax refund for real estate taxes for the 2013, 2014, 2015 and 2016 taxes year due to an erroneous assessment, due to a miscalculation of acreage; and

WHEREAS, the Request for Tax Refund has been approved and recommended by the Commissioner of the Revenue, the Treasurer, and the County Attorney.

NOW, THEREFORE, BE IT RESOLVED, by the York County Board of Supervisors this the 16th day of August, 2016, that the Treasurer is authorized to refund to Mr. and Mrs. Michael W. Bowler, real property tax in the amount of \$5,576.13, plus interest in the amount of \$869.48, for a total refund of \$6,445.61.

Item No. 6. MEMORANDUM OF UNDERSTANDING – BACKUP SERVICES FOR HAMPTON 9-1-1: Resolution R16-96

A RESOLUTION TO AUTHORIZE THE EXECUTION OF MEMORANDUM OF UNDERSTANDING FOR THE USE OF THE YORK-POQUOSON-WILLIAMSBURG EMERGENCY COMMUNICATIONS CENTER FACILITY TO THE CITY OF HAMPTON'S 9-1-1 COMMUNICATION CENTER IF IT IS FOUND NECESSARY DURING AN EXTENDED OUTAGE

WHEREAS, the City of Hampton (the "City") has requested that the County of York (the "County") allow the City to use the York-Poquoson-Williamsburg Emergency Communications Center (the "Center") as a backup facility when the Hampton 9-1-1 Communications Center is unable to operate during an extended outage; and

WHEREAS, a Memorandum of Understanding (MOU) has been prepared between the City and the County which establishes the terms and conditions of the City's use of the Center; and

WHEREAS, City will make a one-time reimbursement to the County for upgrades to the Center to facilitate the transfer of the City's emergency and non-emergency calls; and will, thereafter, beginning one year from date of the MOU, will pay the County a yearly sum for maintenance to the York-Poquoson Emergency Communications Center;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 16th day of August, 2016, that the County Administrator be, and he is hereby, authorized to execute a Memorandum of Understanding, in a form substantially as that attached to the County Administrator's memorandum dated August 3, 2016, and as approved to form by the County Attorney, for the use of the York-Poquoson-Williamsburg Emergency Communication Center facility to the City of Hampton's 9-1-1 Communication Center if it is found necessary during an extended outage.

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Item No. 7. PURCHASE AUTHORIZATION: Resolution R16-97

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR
TO CONTRACT FOR ENGINEERING DESIGN SERVICES:
POQUOSON HEADWATERS/CSX RAILROAD CROSSING
STREAM RESTORATION

WHEREAS, it is the policy of the Board of Supervisors that all procurements of goods and services by the County involving the expenditure of \$50,000 or more be submitted to the Board for its review and approval; and

WHEREAS, this expenditure in the aggregate exceeds the \$50,000 'limit'; and the County Administrator has determined that the following procurements are necessary and desirable, they involve the expenditure of \$50,000 or more, and comply with all applicable laws, ordinances, and regulations;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 16th day of August, 2016, that the County Administrator be, and hereby is, authorized to execute procurement arrangements with Vanasse Hangen Brustlin Inc. (VHB) in the amount of \$174,980, as follows:

	<u>AMOUNT</u>
Engineering Design: Poquoson Headwaters/CSX	\$174,890

Meeting Recessed. At 6:49 p.m., Chairman Wassmer declared a short recess.

Meeting Reconvened. At 7:01 p.m., the meeting was reconvened in open session by order of the Chair.

PUBLIC HEARINGS

APPLICATION NO. PD-41-16, YORKTOWN CRESCENT, LLC

Mr. Cross gave a presentation on Application No. PD-41-16 requesting an amendment to the conditions of approval for the previously approved Yorktown Crescent mixed-used development. The applicant was requesting amendment of the development timing requirements to increase from 27 to 42 the number of residential units that could be built prior to the construction of a community meeting room and other amenities. The properties are located at 3040 and 3070 Fort Eustis Boulevard (Route 1050).

Chairman Wassmer stated it was his understanding none of the residential units had been completed at this time, and he asked if any of the units had been presold.

Mr. Cross stated he thought there was an interest list but not a presale list.

Chairman Wassmer stated he understood from staff that allowing the builder to build at this percentage of the project would still be consistent with other developments the County has done.

Mr. Cross stated that even at 20 percent, this project was still more restricted than other developments

Chairman Wassmer asked if some of the amenities would be impossible to build until the next set of buildings was developed.

Mr. Cross stated it would not make sense for the builder to build sidewalks in areas where there was no construction going on, so the idea was to do it by phase and have the amenities provided as they were needed.

Discussion ensued regarding the percentage of the development required to be developed before other development took place.

Mr. Woody Parrish, the applicant, gave an overview of the history of the property, stating that his family had initially brought this land known as the Harris Farm. He stated he took full responsibility for the number being 27 units, and he had honestly thought he would have been to the commercial unit sooner. He noted that 60 days after the initial project was approved he had an offer to buy the whole development. He had not sold because he was a developer, having completed Settlers Crossing, the Grove at Marlbank, and White Oak. Mr. Parrish stated he had been approached by a few national builders, but it was not the right fit. He indicated he had the first section in, and the meter was running. He had secured a local builder, and they have gone to contract; but they have not sold any units to individuals. He noted the builder was in attendance and was fully aware of what was going on this evening and what the conditions were. He stated it was simple economics, and he needed the capital from the townhouses to roll into the commercial buildings. Mr. Parrish stated he was in this for the long haul, and it was his intention to go forward and finish the project.

Mr. Zaremba asked Mr. Parrish why he was stopping at 42 units and not going on to 58 units.

Mr. Parrish stated he wanted to show the County that if it gave him the 42 units he could make it happen, and the remaining lots were there as security for the County. He indicated he was not planning on going anywhere.

Mr. Green asked Mr. Parrish if he would assure the Board that no units had been sold promising dog parks, community rooms, etc., at this level.

Mr. Parrish stated the only calls they had received regarding the units had been from a sign, and no literature had been put out suggesting what the amenities might be. He reiterated they had not taken any reservations or sold any units.

Mr. Green asked Mr. Parrish why he was stopping at the 42 units and not asking for more.

Mr. Parrish indicated he felt the 42 units were a perfect fit. He stated the next section with 16 lots feeds through the first section, and he noted that area was almost already developed because the sewer was installed. All he would have to do now was put in the water and the curb and gutter. He noted it would get him closer to his commercial buildings.

Chairman Wassmer stated it was certainly the Board's responsibility to protect the citizens of York County and ensure that when developments were built they were built as they were advertised. He stated the Board appreciated Mr. Parrish's investment in York County and the willingness to do it right.

Chairman Wassmer called to order a public hearing on Application No. PD-40-16, which was duly advertised as required by law. Proposed Ordinance No. 16-9 is entitled:

AN ORDINANCE TO AMEND THE CONDITIONS OF APPROVAL
FOR THE YORKTOWN CRESCENT MIXED-USE DEVELOPMENT
LOCATED AT 3040 AND 3070 FORT EUSTIS BOULEVARD (ROUTE
1050)

There being no one present who wished to speak regarding the subject application, Chairman Wassmer closed the public hearing.

Mrs. Noll moved the adoption of proposed Ordinance No. 16-9 that reads:

AN ORDINANCE TO AMEND THE CONDITIONS OF APPROVAL
FOR THE YORKTOWN CRESCENT MIXED-USE DEVELOPMENT
LOCATED AT 3040 AND 3070 FORT EUSTIS BOULEVARD (ROUTE
1050)

WHEREAS, on June 21, 2011, the York County Board of Supervisors approved Application No. PD-29-11 to amend the York County Zoning Map by reclassifying approximately 16.7 acres of land located at 3040 and 3070 Fort Eustis Boulevard (Route 1050) and further identified as Assessor's Parcel Nos. 24-64-6 and 24-45-1A (GPINs Q08b-4641-4064 and R08a-0279-3748) from General Business (GB) and Limited Industrial (IL) to Planned Development Mixed Use (PDMU) for the purpose of developing a mixed-use development consisting of a maximum of 210 dwelling units, a minimum of 28,000 square feet of commercial space, and 3,000 square feet of community space; and

WHEREAS, Yorktown Crescent LLC has submitted Application No. PD-41-16 to request that the conditions of approval for the approved mixed-used development set forth in Ordinance No. 11-10(R) be amended by increasing from 27 to 42 the number of residential units that can be built prior to the construction of a community meeting room and other amenities; and

WHEREAS, said application has been forwarded to the York County Planning Commission in accordance with applicable procedure; and

WHEREAS, the Planning Commission recommends approval of this application; and

WHEREAS, the York County Board of Supervisors has conducted a duly advertised public hearing on this application; and

WHEREAS, the Board has carefully considered the public comments and Planning Commission recommendation with respect to this application;

NOW, THEREFORE, BE IT ORDAINED by the York County Board of Supervisors this the 16th day of August, 2016, that Application No. PD-41-16 be, and it is hereby, approved to amend the conditions set forth in Ordinance No. 11-10(R) for the approved Yorktown Crescent mixed-used development to be developed on 16.7 acres located at 3040 and 3070 Fort Eustis Boulevard (Route 1050) and further identified as Assessor's Parcel Nos. 24-64-6 and 24-45-1A (GPINs Q08b-4641-4064 and R08a-0279-3748) by increasing from 27 to 42 the number of residential units that can be built prior to the construction of a community meeting room and other amenities, as set forth below:

1. General Layout, Design, and Density

- a) The development shall be designed and constructed in accordance with the provisions of 24.1-361.1, Planned Development Mixed Use district, except as modified herein.
- b) A site plan, prepared in accordance with the provisions of Article V of the Zoning Ordinance, shall be submitted to and approved by the Department of Environmental and Development Services, Division of Development and Compliance prior to the commencement of any land clearing or construction activities on the site. Except as modified herein, said site plan shall be in substantial conformance with the overall development master plan titled "Master Plan: Yorktown Crescent," prepared by Brandon Currence Architects, dated March 2, 2011 and revised May 10, 2011, supplemented by the Narrative Description Design Guidelines, and Sign Guidelines, copies of which shall be kept on file in the office of the York County Planning Division.
- c) The maximum number of residential units shall be 210, including 80 residential condominiums, 58 townhouses and duplexes, 64 rental apartments, and 8 live-

above units. No accessory apartment, as defined by Sections 24.1-104 and 24.1-407 of the Zoning Ordinance, shall be permitted in conjunction with any residential unit in the development.

- d) The development shall include a minimum of 31,000 square feet of commercial/office/civic/institutional (i.e., non-residential) floor area.
- e) Architectural design of all buildings shall be in substantial conformance with the building elevations titled "Yorktown Crescent," prepared by Brandon Currence Architects and dated March 2, 2011, and the applicant's "Building Materials Palette," copies of which shall be kept on file in the office of the York County Planning Division, and with the standards set forth in Zoning Ordinance Section 24.1-361.1(f), Planned Development Mixed Use district.
- f) The maximum building height of all mixed-use, apartment, and commercial buildings shall be fifty feet (55') measured to the roof peak, and the maximum building height of all townhouses shall be forty feet (40') measured to the roof peak. No building shall exceed three stories in height.
- g) Sequencing of construction within the project shall be in accordance with the applicant's "Yorktown Crescent Phasing Schedule" as revised May 10, 2011, except as modified herein. Specifically, after completion of the 42nd residential unit, no building permits for any additional townhouses, duplexes, or apartment buildings shall be issued prior to the completion of the construction of the first mixed-use building to the stage that it is ready for individual commercial tenant fit-out and customization.

2. Signs

- a) Freestanding signage shall be limited to one development identification sign at each entrance to the project. Said signs shall be monument-style and shall not exceed forty (40) square feet in area and six feet (6') in height. Materials and colors shall be compatible with overall development architecture.
- b) In accordance with the Zoning Ordinance standards applicable to development in the LB (Limited Business) district, wall and marquee/canopy signs having a maximum cumulative area of 1.25 square feet for each linear foot of principal building width shall be permitted.

3. Streets and Roads

- a) Installation of the proposed new entrance to the project on Fort Eustis Boulevard across from Patriots Square shopping center and the proposed right-turn in/right-turn out entrance on Fort Eustis Boulevard shall be contingent on VDOT approval of an Access Management Exception Request. Pursuant to Section 24.1-362(c)(7) of the Zoning Ordinance, any proposal to amend the overall development master plan that would materially alter points of access shall be processed and reviewed in accordance with the same procedures applicable to the initial Planned Development submission.
- b) Subject to approval by the Virginia Department of Transportation (VDOT), the developer shall install a 200-foot eastbound right-turn lane and taper and a 100-foot left turn lane and taper on Fort Eustis Boulevard at the new entrance across from Patriots Square. All public road improvements shall be constructed in accordance with all applicable VDOT standards.

4. Fire and Life Safety

- a) The roundabouts, sidewalks, inside and outside curbs, traffic islands, parking lot islands, etc. shall be designed to accommodate the turning radius (33' inside) and weight (80,000 pounds) of large fire and rescue apparatus.
- b) A water supply shall be established with a minimum of 2500 GPM (gallons per minute) in accordance with Newport News Waterworks requirements.
- c) All three-story buildings shall have sprinkler systems installed in accordance with the International Building Code and NFPA standards as applicable.
- d) Fire hydrant spacing shall be a maximum of 400 feet in accordance with Newport News Waterworks standards. Additional fire hydrants may be required by the Department of Fire and Life Safety based on sprinkler requirements.
- e) Landscaping and/or tree canopies (when initially planted and when at mature growth) shall not inhibit emergency vehicles and fire department access to the buildings. Tree canopies shall be designed and maintained to provide a minimum unobstructed vertical clearance of not less than 13' 6".

5. Open Space and Recreation

- a) A minimum of 2.3 acres of common open space shall be provided as depicted on the overall development master plan.
- b) Indoor recreational amenities shall consist of, at a minimum, a 3,000-square foot community center with a kitchenette, dining area, office, exercise room, and restrooms. Said facility shall be available without additional charges or fees (i.e., in addition to normal property owners' association dues) to all residents of the development and their guests and shall be completed and available to residents prior to the issuance of a Certificate of Occupancy for the 43rd townhouse unit.

6. Environment

- a) Prior to the approval of any site plans for this development, the developer shall submit a Natural Resources Inventory of the property prepared in accordance with Section 23.2-6 and evidence of all environmental permits.
- b) Any proposed disturbance of wetlands on the property shall require a permit from the U.S. Army Corps of Engineers and/or Virginia Department of Environmental Quality.
- c) Development of the property shall be in accordance with the provisions of the Watershed Management and Protection Area overlay district set forth in Section 24.1-376 of the Zoning Ordinance.

7. Proffered Conditions

The reclassification shall be subject to the conditions listed in the proffer statement titled "Proffers, Yorktown Crescent" signed by C. L. Parrish and Marshall A. Cross and dated May 10, 2011, the "Addendum To Proffers, Yorktown Crescent" signed by C. L. Parrish and Marshall A. Cross and notarized June 20, 2011, and the "Addendum To Proffers, Yorktown Crescent" signed by C. L. Parrish and Marshall A. Cross and notarized June 7, 2016.

BE IT STILL FURTHER ORDAINED that in accordance with Section 24.1-114(e)(1) of the York County Zoning Ordinance, a certified copy of this ordinance, together with a duly signed copy of the proffer statement, shall be recorded at the expense of the applicant in the name of the property owner as grantor in the office of the Clerk of the Circuit Court prior to application for site plan approval.

On roll call the vote was:

Yea:	(5)	Noll, Shepperd, Zaremba, Wassmer
Nay:	(1)	Green

APPLICATION NO. YVA-37-16, GRACE EPISCOPAL CHURCH

Mr. Cross gave a presentation on Application No. YVA-37-16 requesting a Special Use Permit for Yorktown Village Activity approval, pursuant to Section 24.1-327(b)(6) of the York County Zoning Ordinance, to authorize a minimum front yard setback of nine feet (9') and side yard setback of five feet (5') for an accessory deck on an existing structure rather than the normally required 25-foot front yard and 10-foot side yard setbacks along the northern and eastern property lines of a 0.27-acre parcel located at 109 Church Street (Route 1003).

Chairman Wassmer called to order a public hearing on Application No. YVA-37-16, which was duly advertised as required by law. Proposed Resolution R16-89 is entitled:

A RESOLUTION TO APPROVE A REQUEST TO INCREASE THE ALLOWABLE SQUARE FOOTAGE FOR A PREVIOUSLY APPROVED CHURCH-RELATED USE AND A REQUEST TO AUTHORIZE FRONT AND SIDE YARD SETBACK MODIFICATIONS FOR AN ACCESSORY DECK, BOTH REQUESTS BEING ASSOCIATED WITH THE EXISTING STRUCTURE LOCATED AT 109 CHURCH STREET IN THE YORKTOWN VILLAGE

Mr. Scott Foster, 4808 Courthouse Street, Suite 102, Williamsburg, attorney for the applicant, stated this was a nice problem for Yorktown and Grace Episcopal in that their membership was growing, and with that growth comes an expansion in mission and a demand for space. He stated Riverview House, the Grace Episcopal accessory building, was in need of remodeling and updating, and part of that involves adding a deck that wraps from the east side to the north side facing the river, as well as an addition to the house resulting in an additional 620 square feet of interior space. Mr. Foster noted the areas surrounding Grace Episcopal contain an interesting mix of uses that one can only find in a vibrant and historic small town like Yorktown including restaurants, residences, local government buildings, and federal property, as well as motels, a vibrant beach, and a public square where various festivals and live music occur regularly. He stated Grace Episcopal had enjoyed owning Riverview since 2001 and it was used for prayer groups, church retreats, Sunday school classes, devotionals, and general church gatherings which occur both on the lawn and in the house. Mr. Foster spoke of other uses of the building and stated it was hard for some parishioners to use because of access issues. By remodeling the house and adding the deck, the church seeks to help resolve this issue. Mr. Foster then spoke of the proposed deck, stating it would provide the best opportunity for all members to fully enjoy the Riverview property, regardless of their physical limitations. He then addressed the issue of a 16-foot deck versus an 11-foot deck, stating both decks would have an impact on the intensity of use of the property. The types of gatherings the church intends to hold on the new deck already occur on the lawn today, and the deck would only improve the setting and accessibility to these activities for all parishioners. It would not increase the intensity of use nor would it increase the amount of usable space. Reducing the deck to an 11-foot size would only decrease its functionality and has no effect on any surrounding properties. Mr. Foster then addressed the setback issue, stating Mr. Granger's property was commercial in nature and was situated below this property and separated from it by heavy vegetation. There was a retaining wall which was short of Mr. Granger's property line, and the proposed deck would be short of the retaining wall. He stated the impact of the larger deck and small setback on the parcel will be minimal, if any at all. Mr. Foster noted it seemed reasonable to expect that the intensity of use would be less than that of the surrounding properties. He thanked staff for their recommendation in favor of the appeal of the HYDC conditions to be discussed following this item, stating they concurred with the conclusions. He then

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asked everyone in attendance who was in support of the Grace Episcopal application to raise their hand.

Mr. Shepperd stated the retaining wall was a pretty good way from the property line.

Mr. Foster stated he believed it was the architect's intention that one would be able to walk around the deck. The deck would have a very different look and would blend in with the natural topography.

Mr. Green asked why the 16-foot deck was chosen versus an 11-foot deck.

Mr. Foster stated when tables and chairs were in place, it would be extremely tight at 11 feet; but 16 feet makes for a nice travel path around the tables and chairs. He stated at 16 feet there would be no impediment for someone in a wheelchair to move around.

Mr. Green asked if the 16 feet was recommended by the architect.

Mr. Foster stated that was correct.

Mr. Zaremba stated he assumed the chairs shown in the slide were out in the back because the church routinely conducted functions out there.

Mr. Foster stated that was correct.

Mr. Zaremba asked Mr. Foster if he was aware of any complaints by the homeowners of the two houses to the west of the structure in terms of objecting to what takes place on lawn because of noise or the activity.

Mr. Foster stated he would let staff address that question, as he was not personally aware of any specific complaints as it related to a specific activity.

Mrs. Noll asked how far out the stairs would go, noting there were four steps that were approximately 10 to 12 inches each.

Mr. Foster stated there would be a staircase that would come off the front, one off the side, and one to the Read Street side.

Mr. Gerry Smelt, 811 Lancaster Lane, Newport News, spoke as a member of Grace Church, stating he also had 35 years of local and regional planning experience and was a former member of the American Institute of Certified Planners. He expressed his findings on the physical condition of the parcel upon which Riverview House was developed, noting there were unique physical conditions as described in the findings of fact that placed a unique and undue hardship on the parcel. He requested that the Board take these findings of facts in consideration during its deliberations this evening.

Mr. Vance Field, 203 Marlbank Drive, spoke as a 20-year member of Grace Episcopal Church and as the Junior Warden of the Vestry, stating Riverview was appropriately named because of the magnificent view of the York River from the east side of the facility. He stated it was Grace's intent to make the scenic vista better accessible to parishioners and guests for the various functions held at this facility. Many of these functions were held outdoors on the lawns both on the riverside and Parrish Hall side of the facility. The isolation of the property from the street frontage and other general accessibility restraints deliver a strong sense of safety for this place of family and small group gatherings. He stated it was not the church's intent to change the usage profile of this facility. He stated the enhanced usage benefit would be from improved accessibility and viewpoint advantage. He stated the five feet of additional deck width represented only a minor difference in overall usability of the deck space. He suggested that allowing the increase in deck size would increase its functionality and accessibility with little to no negative effect on surrounding properties or residences.

Mr. Brad Brown, 904 Water Fowl Drive, addressed the Board stating he had been involved with numerous groups at Riverview, and access had been a problem for someone like himself with disabilities. He stated weather conditions made it even worse trying to get up and down the steps in the wintertime or even in the summer when it was hot, making it a challenge at best and problematic most of the time. He stated the five feet difference in the deck would make all the difference in the world for someone with disabilities who uses a wheelchair or a walker.

Mr. Jerrold Twigg, 903 Backcreek Road, spoke in support of the application, stating Riverview house represented a great asset, not only to Grace Church but also to the community as it supported a wide variety of activities. He stated Riverview was in desperate need of major repairs and renovations, and the need for the work provided for a great opportunity to improve the physical structure of the residence which would help support the wide variety of usages the Board had heard about this evening. Mr. Twigg then spoke of the impact the smaller deck would have on people with disabilities to fully enjoy and participate in the social events held at Riverview. He urged the Board pass Grace's request.

Mrs. Belinda Willis, 120 Chischiak Watch, spoke of the reason why she was a member of Grace Episcopal Church today and how the church was an outreach to women in the community to gather, fellowship, and share with other women. She stated that since joining Grace Church she has used Riverview house many times as a Sunday school teacher, a retreat leader, and for meeting space. She stated she had also referred a number of her colleagues and their non-profit organizations to Riverview for their meetings and retreats, as Grace invites the community to use Riverview at no cost as part of their outreach. She noted that past gatherings held at Riverview have been respectful and quiet with typically around 8 to 15 people, and they did not plan to change that; but they wanted to be inclusive of the entire community, and part of being inclusive was being ADA accessible. Mrs. Willis stated Riverview was not currently accessible to those with limited ambulation and was the reason for the need for an elevator and increased deck size.

Mr. Don Willis, 120 Chischiak Watch, spoke as a member of Grace Church, stating they had been kind enough to allow him, a representative of Sister Cities Yorktown, space for various meetings and also a place where they had been able to host their delegation from France for various receptions. He stated Riverview was in need of some work to modernize the building and make it ADA compliant, and Grace had proposed a beautiful balance between increasing space for functions at Riverview and providing a historically appropriately sight line from the river. He noted that as a resident of Yorktown, he was delighted to have Grace as a neighbor. He stated Grace Church was very generous to the community in that it allowed many groups to use Riverview for small meetings and gatherings. He stated the proposed renovations would make Riverview a building that everyone could be proud of in the community and a gathering place that people could use for years to come.

Reverend Connie Jones, 111 Church Street, Associate Rector of Grace Church addressed the Board on behalf of herself and the Rector who was out of state. She spoke of history of the church, stating it had been a cornerstone of the village since 1697. She stated since the 1786 Virginia Statute for Religious Freedom, Grace has been wholly supported and its building and grounds maintained by its parishioners. She stated they offer their Church, Parrish Hall, Cemetery, and Riverview for public events such as Celebrate Yorktown concerts, Yorktown Day events, meetings of the Yorktown Preservation Society, Memorial and Veterans Day patriotic exercises and prayers. She spoke of other organizations to which the church offers free space. She said the church and grounds were open to visitors from all over the world. Reverend Jones stated the renovation was designed so that Grace Church could continue to be a blessing both to its parishioners and to the entire community for decades to come.

Mr. Kevin James, 601 Bridge Crossing, Unit D, spoke of how Grace Church had impacted his life since being released from jail four years ago for his third DUI in York County. He stated that because Grace Church welcomed him into its community, used their resources and assets to reach out to him and make him feel welcome, he felt he had a home in the community and that allowed him to begin to heal.

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Ms. Pamela Mason, 805 Wormley Creek Drive, spoke in support of the application for Grace Church on behalf of the youth as a Co-Leader of the Episcopal Youth Communities (EYC). She stated the EYC members love to be out in the community and the village as they do various outreach and mission activities. She stated they are very excited about the opportunity to have more meeting space because when they have a full crowd they are really squeezed, and they are also looking forward to having the larger deck to play games and have room to move around.

Mrs. Marsha Brown, 213 Nelson Street, spoke in opposition of the application and asked that the following letter be included in the meeting minutes:

Mr. Chairman, Members of the Board.

My name is Marsha Brown and I reside at 213 Nelson St. here in Yorktown Village.

I appreciate the opportunity to share with you my concerns regarding Grace Church's Application on tonight's agenda. I understand that the church originally wanted you to approve the proposal that the Historic Yorktown Guidelines Committee sent to the Planning Commission, which approved the proposal as recommended by County Staff. Both these committees approved the church's change proposals even though the changes are not in compliance with The Yorktown Historic District Guidelines enacted by this Board effective June 2004. Specifically, the Guidelines state on page 43 that decks of any kind should be located only in rear yards. The proposed deck is in the front and a side yard on the Riverview House.

Of course The Guidelines don't include specifications for a free standing outdoor elevator. What could be more ludicrous and not appropriate in a seventeenth century village on the property of a church whose history dates back to that period?

If this isn't bad enough, what is even more egregious is that the church and the two boards have totally disregarded the negative impact this will have on the two residences adjacent to the property. Even County Staff in their recommendation to the Planning Commission stated that "... the proposed front yard deck could have an adverse impact on the adjacent home."

Finally, in their proposal the church has stated their request as if the front yard deck and the commercial elevator area "need" they have in order to use this Riverview House. Do not be deceived. It is NOT a need; plain and simple it is how they now desire to use this house they purchased several years ago as a residence. It is their wish/ their desire to change its use with utter disregard for the negative impact it will have on their adjacent neighbors.

I urge you to not approve this application. In fact, I urge you to remember in your deliberations your assurance to us residents that the Guidelines would protect and preserve our properties.

Marsha A. Brown
213 Nelson St.
Yorktown, VA 23690

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Mr. Michael Ware, 4000 George Washington Memorial Highway, addressed the Board representing Mrs. Krams, the property owner at 105 and 107 Church Street. He stated Mrs. Krams had been a resident for a very long time and had actually embraced the Yorktown Village concept. He stated she has the picket fences which were well maintained. He stated her property was subservient to this property for the easement, and she did not want that easement increased as there was the bluff. He stated that without the approval of the elevator all these improvements that had been spoken about this evening would be a moot issue. There were regulations the Yorktown Village had to protect the Village, and the initial conversations of this Board tonight spoke of tourism and how it was a benefit to the community. He stated the actual maintenance of this village was beneficial to Yorktown itself, and it was something people liked to see. While he understood the Church has their needs, Mr. Ware stated there

were other ways to make access to this property besides installing a monumental commercial glass elevator or a 16-foot deck on a property that was zoned residential, and then characterize it as for additional church uses. He stated the Church did not need to erect a structure that defies all of the regulations the County has embraced and promoted.

Mr. Walter H Reiser, 103 North Beach Road, spoke in opposition to the application, stating he had been a resident since 1953 and a former member of the Planning Commission from 1975 – 1985. He stated during his time on the Planning Commission he had worked on the County's original Comprehensive Land Use Plan and the accompanying zoning ordinances. He stated tonight he had yet to hear anything about the real issue regarding this application. He stated the real issue before the Board was simply how would each Board member feel and what decision would they make if the application was for a house on a residentially zoned property next to their home. He suggested that the Board reject the application as it exists or table the application and send it back to the Planning staff with instructions to develop an appropriate set of comprehensive conditions and restrictions designed to protect the adjacent home from any threat of a nuisance in a residential neighborhood. He stated the Church leaders who were present tonight would figuratively be gone tomorrow and be replaced by new people who might have other ideas for this property and how it should be used.

There being no one else present who wished to speak regarding the subject application, Chairman Wassmer closed the public hearing.

Mr. Shepperd stated from the comments he had heard this evening he was trying to again focus on the deck as the issue, and it seemed to him there was the issue of the building use, the ownership of the property and the different zoning categories which churches can be placed in, and then to make sure that there was no negative impact on the residences surrounding the property. He stated there always seemed to be this compromise, and he asked why the Board had not heard anything about the possibility of plantings or other kinds of barriers or other options.

Mr. Cross stated there already was a fairly substantial amount of vegetation between where the deck would be and the home to the west, and that would be the area of concern. He noted that landscaping out in the front really would not accomplish anything other than to block the views that Grace Church was trying to take advantage of by installing the deck.

Mr. Shepperd asked why the deck had to be in the front of the house, stating it seemed like there was more land over by the Church on the backside of the house.

Mr. Cross stated the question had been raised at the Planning Commission meeting, and the response he recalled from the Grace Episcopal representative was that they wanted to take advantage of the spectacular view in the front of the house which a rear deck would not accomplish. He noted it would also interfere with Grace's plans to put in a handicap ramp in the back in the southwest corner.

Mr. Shepperd asked if the Board of Supervisors had to make a decision to either accept none of this, or to accept the smaller foot print by the porch, and not necessarily anything in the building itself, or accept the whole thing.

Mr. Cross stated the Board could approve the application as submitted, deny it as submitted which would leave Grace Episcopal with practically no opportunity for a deck on the front, or approve something in the middle. He stated the only thing the Board could not approve was something more intensive than what was requested by the applicant.

Chairman Wassmer stated the Board could approve the size of building itself separately, although the resolutions currently combined them.

Mr. Shepperd stated his big concern was that the Board established the Historic Yorktown Design Committee with guidelines for the architectural design of Yorktown, and then the committee met and made its recommendations, stating the deck itself seemed to be somewhat

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arbitrary in terms of what was an appropriate size. He stated his concern was that what the Board might be doing this evening was part of a process that would undermine that committee.

Mr. Cross stated that the setback issue was separate from the HYDC's decision. He explained that the HYDC looked only at the architectural design, and that was in the next agenda item this evening which was the appeal. He stated the HYDC decision had no bearing on the size of deck, only the design.

Mr. Shepperd asked if the HYDC had talked about the elevator in Historic Yorktown.

Mr. Cross stated the HYDC had talked about the elevator.

Mr. Shepperd asked if the 11-foot deck was the Planning Commission's recommendation.

Mr. Cross stated the Planning Commission had recommended the 11-foot front yard deck based on staff's recommendation.

Chairman Wassmer explained this really came down to two things: the size of the building, and did the Board want to approve the deck and was it to be 11 or 16 feet wide.

Mrs. Noll stated she thought the building was an excellent design, and she felt it would give Grace Episcopal Church so much more space to hold its classes. She stated this was a land use issue the Board was dealing with, and they all wished they were Solomon because no one was going to be happy with the outcome of the vote. She stated she had been out and looked at the property and walked it, and she really had problems with a deck going on the front of the house. She stated she understood the reasoning of Grace Church because the view was lovely and the Church did not want to lose that view, but she was going to have to support what the Planning Commission had recommended. She stated the church was doing things to the house to provide access for ADA, and she thought putting in the bathroom and changing the doors were all marvelous additions and would serve their people who have physical disabilities. Mrs. Noll stated she had listened and sympathized with the applicant, stating Grace Church added so much to what York County stood for, and its outreach programs were marvelous; but this was strictly a land use issue, and she looked at it from that perspective. She thanked Grace Church for what it contributed to the community.

Mr. Shepperd stated the application says the HYDC completed its review at its June 22, 2016, meeting and approved the structural additions subject to several conditions, none of which precluded the approval of the setback request before the Board. He stated the HYDC had some action pertaining to this application.

Mr. Cross stated the HYDC reviewed architectural design of the elevator, the building additions, and the design of the deck. He noted if the Board did not approve the deck, it did not matter what the design was.

Mr. Shepperd stated he was back to his original concern about the Board not undermining the committee's work since it had put them in place with certain guidelines.

Mr. Cross stated the focus of the HYDC was solely architectural design, and that was not the issue before the Board on this application.

Mr. Morgan stated the items were related; but if a deck of some sort was approved by the action that was currently being considered by the Board, then the HYDC had some role in the aesthetic and architectural aspects of the project.

Mr. Zaremba stated he had heard nothing this evening to convince to him that the proposal before the Board would do anything to disrupt the quiet enjoyment of the residences adjacent to Grace Church.

Mr. Green moved the adoption of proposed Resolution R16-89 that reads:

A RESOLUTION TO APPROVE A REQUEST TO INCREASE THE ALLOWABLE SQUARE FOOTAGE FOR A PREVIOUSLY APPROVED CHURCH-RELATED USE AND A REQUEST TO AUTHORIZE FRONT AND SIDE YARD SETBACK MODIFICATIONS FOR AN ACCESSORY DECK, BOTH REQUESTS BEING ASSOCIATED WITH THE EXISTING STRUCTURE LOCATED AT 109 CHURCH STREET IN THE YORKTOWN VILLAGE

WHEREAS, Grace Episcopal Church has submitted Application Nos. YVA-37-16 and 38-16 to request, pursuant to Section 24.1-327(b)(3) of the Zoning Ordinance, approval of an increase in the allowable floor area for church-related uses in the structure located at 109 Church Street (Assessor's Parcel No. 18A-1-40) and, pursuant to Section 24.1-327(b)(6) of the York County Zoning Ordinance, to authorize a front yard setback of nine feet (9') and a side yard setback of five feet (5') for an accessory deck on that structure rather than the normally required 25-foot front yard and 10-foot side yard setbacks along the northern and eastern property lines; and

WHEREAS, the application pertaining to setbacks has been forwarded to the York County Planning Commission in accordance with applicable procedure; and

WHEREAS, the Planning Commission recommends approval of this application, modified to authorize a minimum front yard setback of fourteen feet (14'); and

WHEREAS, the York County Board of Supervisors has conducted a duly advertised public hearing on the setbacks application; and

WHEREAS, the Board has carefully considered the public comments and Planning Commission recommendation with respect to these applications;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 16th day of August, 2016, that Application No. YVA-37-16 be, and it is hereby, approved subject to the following conditions:

1. This Yorktown Village Activity approval shall authorize a minimum front yard setback of nine feet (9') and a minimum side yard setback of five feet (5') for an accessory deck on an existing structure rather than the normally required 25-foot front yard and 10-foot side yard setbacks along the northern and eastern property lines of a 0.27-acre parcel located at 109 Church Street (Route 1003), further identified as Assessor's Parcel No. 18A-1-40 (GPIN P12d-3096-0643),
2. A building permit application shall be submitted in accordance with the provisions of the York County Code and shall be approved by the York County Division of Building Regulation prior to the commencement of any land disturbing or development activities. Said permit application shall be in substantial conformance, except as modified herein or pursuant to the results of the Yorktown Design Guidelines review and approval process, with the sketch plan, renderings/elevations, and narrative documents submitted by the applicant and received by the Planning Division on May 2, 2016, and May 12, 2016, copies of which shall remain on file in the office of the Planning Division.
3. In accordance with York County Zoning Ordinance Section 24.1-115(b)(7), a certified copy of this resolution shall be recorded at the expense of the applicant in the name of the property owner as grantor in the office of the Clerk of the Circuit Court prior to site plan approval.

BE IT FURTHER RESOLVED that Application No. YVA-38-16 be, and it is hereby, approved to authorize the non-single-family, church-related use of the subject structure to be increased by 310 square feet of floor area subject to the following condition:

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A building permit application shall be submitted in accordance with the provisions of the York County Code and shall be approved by the York County Division of Building Regulation prior to the commencement of any land disturbing or development activities. Said permit application shall be in substantial conformance, except as modified herein or pursuant to the results of the Yorktown Design Guidelines review and approval process, with the sketch plan, renderings/elevations, and narrative documents submitted by the applicant and received by the Planning Division on May 2, 2016 and May 12, 2016, copies of which shall remain on file in the office of the Planning Division.

BE IT STILL FURTHER RESOLVED that this approval is not severable and invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

On roll call the vote was:

Yea: (4) Shepperd, Zaremba, Green, Wassmer
Nay: (1) Noll

NEW BUSINESS

GRACE EPISCOPAL CHURCH - HYDC APPEAL

Mr. Morgan gave the Board an overview regarding proposed Resolution R16-100 to consider the appeal by Grace Episcopal Church of the Certificate of Appropriateness issued by the Historic Yorktown Design Committee (HYDC) for 109 Church Street in connection with Application No. HYDC-118-16. He stated as had been pointed out by many this evening, this item was inter-related with the actions just previously considered and taken by the Board. He stated from the standpoint of Grace Church and its project to upgrade the house, build the deck, and improve handicap accessibility, etc., it was all inter-related. He stated this was a separate action because some of the design elements of the project, the way the County's Development Review scheme was setup in Yorktown, the application was required to go to the Historic Yorktown Design Committee for review. The HYDC made a recommendation for certain aesthetic adjustments in the project, some of which the Church was good with, and two of which they were not in agreement with, and he explained the Church's right to file an appeal of the Review Committee's recommendations to the Board of Supervisors. He stated Mr. Cross was prepared to give the Board a detailed presentation on this item if it so chose. He then explained some of the background information on the issues being considered in this application. He stated his recommendation to the Board would be to uphold the appeal of Grace Church and go with the elevator design as submitted and not require the one foot setback. He stated his basic policy arguments for those recommendations were that this was a unique location, and the literal applications of the rules here would not achieve very much.

Mrs. Noll stated she thought the design of the elevator, with glass on all four sides, made it less obtrusive than most elevators. Mrs. stated she thought putting in the elevator would do a very good job and enhance the Church's ministry.

Mr. Zaremba stated he thought the elevator was going to be Plexiglas.

Mrs. Noll stated it had been changed to a tempered glass.

Mr. Shepperd asked for clarification of the two proposed resolutions.

Mr. Morgan stated his recommendation to the Board was proposed Resolution R16-100 which was consistent with the Church's appeal.

Mr. Zaremba asked for clarification regarding the issues with the elevator, stating there were two resolutions and he thought one elevator would be enclosed with a top and the other one would not have a top enclosure.

Mr. Cross stated the condition approved by the HYDC, with respect to the elevator, was that the car could not be visible from Church Street except when it was in the up position; otherwise it would have to be kept in the down position and there could be nothing visible from Church Street. He reiterated, as Mr. Morgan previously stated, staff had since found out that the building code did not provide for that; so if the church was going to have an elevator, it would have to have an elevator shaft that extended around the car and above it, so that would make it impossible to have an invisible elevator in that location for handicap accessibility.

Mr. Morgan advised the Board that it could either approve the resolution the way Grace Church had submitted it, or send it back for further study by the Review Board and the Church's designers to develop a proposal that would comply with the building code.

Mr. Green moved the adoption of proposed Resolution R16-100 that reads:

A RESOLUTION TO APPROVE THE APPEAL BY GRACE EPISCOPAL CHURCH OF THE CERTIFICATE OF APPROPRIATENESS ISSUED BY HISTORIC YORKTOWN DESIGN COMMITTEE FOR 109 CHURCH STREET IN CONNECTION WITH APPLICATION NO. HYDC-118-16

WHEREAS, on June 22, 2016, the Historic Yorktown Design Committee (HYDC) approved Application No. HYDC-118-16, submitted by Grace Episcopal Church, requesting authorization to renovate and construct additions to the existing structure located at 109 Church Street and to construct an outdoor elevator to provide accessibility between the Parish Hall parking lot on the 0.27-acre parcel located at 109 Church Street (Route 1003) and further identified as Assessor's Parcel No. 18A-1-40 (GPIN P12d-3096-0643), subject to conditions; and

WHEREAS, Grace Episcopal Church, has appealed the decision of the HYDC to the York County Board of Supervisors in accordance with the provisions of Section 24.1-377(l)(1) of the York County Zoning Ordinance, which provide that the Board may reverse or affirm, wholly or partly, or may modify, an order, requirement, decision, or determination made by the HYDC and make such order, requirement, decision, or determination as ought to be made;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 16th day of August, 2016, that the following decisions be, and they hereby are, rendered with respect to the appeal of the Historic Yorktown Design Committee's approval of Application No. HYDC-118-16:

1. The Committee's determination that a minimum offset of one foot (1') be required between the front façade of the existing structure and the front façade of the proposed addition on the eastern end is overturned and no offset shall be required;
2. The Committee's condition with respect to the design of the elevator and associated screening fencing is overturned and the elevator and adjacent fencing may be constructed in accordance with the design concept depicted on the specifications and renderings provided by the church (Exhibits A and B in the attachments to the applicant's appeal letter dated July 29, 2016).

On roll call the vote was:

Yea: (5) Zaremba, Noll, Green, Shepperd, Wassmer
Nay: (0)

CLOSED MEETING. At 8:51 p.m. Mrs. Noll moved that the meeting be convened in Closed Meeting pursuant to Section 2.2-3711(a)(1) of the Code of Virginia pertaining to appointments to Boards and Commissions.

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On roll call the vote was:

Yea: (5) Noll, Green, Shepperd, Zaremba, Wassmer
Nay: (0)

Meeting Reconvened. At 9:08 p.m. the meeting was reconvened in open session by order of the Chair.

Mrs. Noll moved the adoption of proposed Resolution SR-1 that reads:

A RESOLUTION TO CERTIFY COMPLIANCE WITH THE FREEDOM OF INFORMATION ACT REGARDING MEETING IN CLOSED MEETING

WHEREAS, the York County Board of Supervisors has convened a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3711.1 of the Code of Virginia requires a certification by the York County Board of Supervisors that such closed meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 16th day of August, 2016, hereby certifies that, to the best of each member's knowledge, (1) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (2) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed, or considered by the York County Board of Supervisors.

On roll call the vote was:

Yea: (5) Green, Shepperd, Zaremba, Noll, Wassmer
Nay: (0)

APPOINTMENTS TO THE SENIOR CENTER OF YORK BOARD

Mrs. Noll moved the adoption of proposed Resolution R16-59:

A RESOLUTION TO APPOINT REPRESENTATIVES TO THE SENIOR CENTER OF YORK BOARD

WHEREAS, the death of Lilia Archer and the resignation of Sandra Jones created two vacancies;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 16th day of August, 2016, that Viana L. Dail, Lynda A. Bush, and Betty J. Titus be, and they are hereby, appointed to the Senior Center of York Board to complete the unexpired terms of Lelia Archer and Sandra Jones to begin immediately and end June 30, 2017.

On roll call the vote was:

Yea: (5) Shepperd, Zaremba, Noll, Green, Wassmer
Nay: (0)

Meeting Adjourned. At 9:10 p.m. Chairman Wassmer declared the meeting adjourned sine die.

Neil A. Morgan
County Administrator

Jeffrey D. Wassmer, Chairman
York County Board of Supervisors