

YORK COUNTY CHESAPEAKE BAY BOARD

Minutes of May 26, 2021

A meeting of the York County Chesapeake Bay Board was held on Wednesday, May 26, 2021, 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 done with staff, Paul Brindza, Acting Chair, and four Board members present.

Board Members Present:

Paul Brindza, Acting Chair
Jerry Patterson
Julius Johnson
Richard Wheat
Brad Berrane

Staff Present:

Kent Henkel, Environmental Specialist II
Barrett Nicks, Environmental Specialist I
Jennifer Wilson, Administrative Assistant III
Justin Atkins, Assistant County Attorney

Board Members Participating Remotely

None

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 approve the April 28, 2021 minutes was made by Mr. Berrane and they were approved by consensus.

Note: PowerPoint slides were shown throughout the public hearing.

CHESAPEAKE BAY EXCEPTIONS/APPEALS

- **Exception 2021-075 for Miles Burcher & Gary Brocksmith at 710 Patricks Creek:** Request to construct an addition, and additional driveway in the RPA buffer along Patricks Creek

Kent Henkel, presented the application, the project history, photographs of the site and described what vegetative mitigation would be required should the Board approve the application.

Board inquired if the trees along the water would have to be removed. Mr. Henkel responded that trees within ten feet of the foundation can be removed, but there will have to be mitigation to replace them. Board inquired about the green tank in the yard.

The Chair opened the public hearing.

Miles Burcher of 710 Patricks Creek came forward and stated they connected to natural gas a couple of months ago and the (green) propane tank would be removed before the addition was built.

They designed the home currently on the property and all of the gutters flow into a drain pond on the property and nothing flows into the bay. They downsized when they built this home and realized they downsized too much and need an addition to the home.

The public hearing was closed.

The Board inquired if any credit towards impervious cover would be given for propane tank. Staff stated it will not be. Board members that visited stated it was a beautiful property and well landscaped with retention areas and plenty of vegetation.

A motion was made by Mr. Berrane to adopt Resolution 21-075 as submitted.

The motion was approved on the following roll call:

Jerry Patterson	Yes
Julius Johnson	Yes
Richard Wheat	Yes
Bradley Berrane	Yes
Paul Brindza, Acting Chair	Yes

Mr. Brindza declared the Exception has been granted.

- **Exception 2021-076 for Tim & Melanie Beale at 320 Bay Tree Beach Rd:** After-the-fact request to retain a gazebo and deck constructed in the RPA Buffer along the shoreline of a canal off of Bay Tree Creek.

Kent Henkel, presented the application, the project history, photographs of the site and described what vegetative mitigation would be required should the Board approve the application.

Board inquired if the entire lot was in the RPA, almost all of the lot is in the RPA.

The Chair opened the public hearing.

Tim Beale of 320 Bay Tree Beach Rd came forward. He apologized and stated they tried to do their due diligence by researching the County website to determine if a building permit was necessary. For the size of the gazebo it was not. He assumed he did not need the Chesapeake Bay permit since he did not need the building permit. The website has since been updated to show that a Chesapeake Bay Board permit may be needed if property is located in the RPA. He checked with

the neighbors and none had objections to the gazebo. Mitigation will be extended down the left side of house.

Board inquired if his bulkhead was failing. His neighbor's is failing, however his is not. They are planning on adding gravel and a French drain where the swale is to assist with water that is currently going under the bulkhead.

The public hearing was closed.

The Board discussed amount of increase in impervious cover.

A motion was made by Mr. Wheat to adopt Resolution 21-076 as submitted.

The motion was approved on the following roll call:

Jerry Patterson	Yes
Julius Johnson	Yes
Richard Wheat	Yes
Bradley Berrane	Yes
Paul Brindza, Acting Chair	Yes

Mr. Brindza declared the Exception has been granted.

NEW BUSINESS

There will be a June meeting

OLD BUSINESS


None

ADJOURNMENT

There being no further business to come before the Board, the meeting adjourned at 6:37 pm.



Paul Brindza, Acting Chair



Date