

NEW KENT COUNTY
PLANNING COMMISSION

MINUTES

THE REGULAR MEETING OF THE NEW KENT COUNTY PLANNING COMMISSION WAS HELD ON THE 17th DAY OF APRIL THE YEAR TWO THOUSAND SIX OF OUR LORD IN THE AUDITORIUM OF THE NEW KENT HIGH SCHOOL AT 6:30 P.M.

IN RE: CALL TO ORDER

Chairman Howard Gammon called the meeting to order at 6:30 p.m.

IN RE: INVOCATION AND PLEDGE OF ALLEGIANCE

Chairman Gammon led the invocation and Pledge of Allegiance.

IN RE: ROLL CALL

Planning Commission:

Jack Chalmers	Present	
Thomas Evelyn	Present	
Howard Gammon	Present	
Sylvia Godsey	Present	
Charna Moss	Present	
Edward Pollard	Present	
David Smith	Present	
Sam Snyder	Present	
Tommy Tiller	Present	
Patricia Townsend	Present	
Stran Trout	Present	--Arrived at 7:01 p.m.

Chairman Gammon called the Planning Commission meeting to order.

IN RE: APPROVAL OF MINUTES

Mr. Chalmers stated that he did not recall making the statement on Page 9 of 12 in the 9th paragraph and page 5 of 12, 9th sentence "pore" should be spelled "poor".

A motion was made by Ms. Snyder and second by Ms. Townsend, to approve the minutes of the 20 March 2006 – Regular Meeting with corrections.

The members were polled:

Jack Chalmers	Aye
Thomas Evelyn	Aye
Howard Gammon	Aye
Sylvia Godsey	Aye
Charna Moss	Aye

Edward Pollard	Aye
David Smith	Aye
Sam Snyder	Aye
Tommy Tiller	Aye
Patricia Townsend	Aye
Stran Trout	Absent

The motion carried, 10:0:0.

IN RE: CITIZEN COMMENT PERIOD

Comments limited to those on planning-related issues that are not scheduled for public hearing later on the agenda, sign up on the sheet at back of the room prior to the meeting is required.

IN RE: UNFINISHED BUSINESS

A. S34-04: THE OAKS SUBDIVISION PRELIMINARY APPROVAL

The Oaks Development L.L.C. has applied for preliminary subdivision approval for phase one of The Oaks subdivision. The applicant proposes to create 140 lots that range from approximately 20,800 square feet to 103,071 square feet. Detached single-family dwellings will be constructed on each lot.

Staff reported to the commission that the applicant has requested a deferral to the May 15, 2006 meeting, reason being the applicant would like to address the issues that were raised at the March meeting.

IN REF: PUBLIC HEARINGS

A. CUP-07-05: ROCKAHOCK CAMPGROUND

Rockahock Campground, Inc. has applied to amend conditional use permit CUP-15-97 pursuant to section 98-173 (1) of the New Kent County Code for the expansion of its existing campground facility. Rockahock Campground is located in the eastern portion of the County on the south side of Rockahock Road and is identified on the New Kent County tax map as parcel 51-21. The subject parcel consists of approximately 190 acres and is zoned C-1, Conservation.

Staff gave a presentation on the proposed amendment to conditional use permit CUP-15-97 and the Commission asked questions.

[Mr. Trout arrived at around 7:01 p.m.]

Ms. Snyder stated that item number 13 on the Resolution states that "garages should exceed 250 sq. ft." Shouldn't it say that "garages should not exceed 250 sq. ft." Mr. Hathaway responded that is correct.

Mr. Chalmers asked if the applicant agrees to all of the conditions listed. Mr. Hathaway responded that most of these conditions were proposed by the applicant.

Randy Caldwell the applicant spoke stating that he has met with staff and the vast majority of the conditions are taken directly from the county code as requirements of a campground.

Mr. Smith asked if the County could impose a condition requiring recycling and trash facilities throughout the campground.

Mr. Caldwell responded absolutely.

Mr. Smith asked if Rockahock Campground would be willing to certify annually that no one is staying beyond the timeframe allowed for campgrounds. The applicant agreed that he would be willing to do this and mentioned that the Commonwealth of Virginia looks at this data.

Ms. Snyder questioned the need for this certification since the applicant will be sending records to the County.

Mr. Smith then asked to have his request for the certification removed since the State is looking at these records.

Mr. Hathaway referred the commission to item number 29.

Ms. Godsey asked about the alcohol sales and limitations. Mr. Hathaway responded that we have not placed any conditions on that.

Ms. Godsey asked about the County restrictions for noise levels and what measures were in place to control noise levels at the campground. Mr. Caldwell responded that the campground works with the sheriff's department on crowd volume and crowd control.

The commission opened the public hearing for CUP-07-05.

Claudio Nanez of Riverside Drive spoke in opposition stating that he doesn't want his back yard to become one big campground and doesn't want to hear all of the noise that comes from it.

Mark Daniel of Dispatch Road spoke in favor stating he has attended some of the events at the campground and feels that the events and the campground is well run and is a good way to bring tourism to the County.

Isabel White of Farmers Drive spoke in favor stating that the campground has been there for quite a few years.

Richard Waldrop of Mountcastle Road spoke in favor stating that there is no entertainment in the County and Rockahock brings us entertainment.

Julian Lipscomb of Old Church Road spoke in favor if you look back about 5 or 6 years ago when Rockahock was sold, you will see an improvement from what it used to be.

The public hearing was closed.

Ms. Townsend asked about the buffers on the property in regards to adjacent properties. Mr. Caldwell responded that there are only residential neighbors where the property line is located in the middle of a swamp with a distance of approximately 125 feet and is heavily wooded.

Mr. Caldwell also stated that during some of the concerts and festivals that are held, he goes to the edge of the property line in various locations to see what noises you do hear and you don't hear the noise pollution.

A motion was made by Ms. Snyder and second by Ms. Godsey, to adopt resolution number PC-11-06 to forward application CUP-07-05 to the New Kent County Board of Supervisors with a favorable recommendation.

The members were polled:

Jack Chalmers	Aye
Thomas Evelyn	Aye
Howard Gammon	Aye
Sylvia Godsey	Aye
Charna Moss	Aye
Edward Pollard	Aye
David Smith	Aye
Sam Snyder	Aye
Tommy Tiller	Aye
Patricia Townsend	Aye
Stran Trout	Abstained

The motion carried, 10:0:1.

B. ZM-04-05/CUP-02-05: SPF INVESTMENTS LLC PROPOSED WASTE MANAGEMENT FACILITY

Ensol, Inc. has applied on behalf of SPF Investments, LLC to rezone approximately 279 acres from M-1, Light Industrial to A-1, Agriculture. The applicant has also requested a Conditional Use Permit to authorize the construction and operation of a privately owned municipal solid waste disposal facility in New Kent County. The applicant has proposed to construct and operate a facility to accept Industrial Waste, Construction and Demolition Debris, and Municipal Solid Waste.

Staff gave a presentation on the rezoning and conditional use permit application and the Commission asked questions.

Jay Smith, representative of the applicant gave a brief presentation addressing some of the concerns of staff, citizens and commission members.

The commission opened the public hearing for ZM-04-05 & CUP-02-05.

Olivia Chandler of Lakeshore Drive spoke in opposition stating concerns for the water quality, bird control, odor control, property values, and effects on the aquifer.

Janet Holder of Lakeshore Place spoke in opposition agreeing with Ms. Chandler, stating concerns for the water quality, bird control, odor control, property values, and effects on the aquifer.

Connie Campbell of Essex Hills Road spoke in opposition reading from a statement stating that the citizens do not want a landfill, asking that the officials deny the application and reject future attempts for other landfill applications.

Gerald Campbell of Essex Hills Road spoke in opposition reading from a statement stating that he thinks that if the County accepts this proposal, then there is a violation of trust that is placed in you, our elected and appointed officials.

Bill Walters of Harrison Bluff spoke in opposition.

Dexter Dix of College Green Lane spoke in opposition stating that before coming to the county he looked at different areas and was impressed with New Kent and the way of life here.

Tom Boschert of College Green Lane spoke in opposition stating concerns for traffic, conflicting information, it would be too close to the airport, watershed, vital intersection of the county.

James Wessel of Emmaus Church Road spoke in opposition stating that it is not consistent with the Comprehensive Plan, and the applicant still has not answered quite a few questions.

Chapman Harrison of Old Church Road spoke in opposition.

Dale Valor keeps his airplane at New Kent County airport and spoke in opposition stating concerns for the increase in birds.

Steve Miles of Stage Road spoke in opposition stating concerns for the trash and would like to see all landfill applications be put to rest.

Ray Arp of Cumberland Road spoke in opposition asking the officials to listen to the Comprehensive Plan, staff has stated that this is incompatible, please listen to history, for example Page County; and urges the government to listen to the people.

Susan Symbola of Old Church Road spoke in opposition.

Jeff Symbala of Old Church Road spoke in opposition.

Ross Barber of Pine Needles Drive spoke in opposition commented that the commission should take staff recommendation and deny this application.

Susan Cridlin of Olivet Church Road spoke in opposition stating that she has spoken with citizens of Charles City County about their dump; they were told that there would be no sludge, no barge, water supply would be safe.

Donna Sickles of Southerness Way spoke in opposition stating that so many people have stressed the same thing that I wanted to say and encourages the commission to deny this application.

Joe Bryan of Doronhurst Drive spoke in opposition stating concerns about the trucks, traffic on the interstate and other roads.

William Rawley of Mountcastle Road spoke in opposition speaking of a transfer station and how they are not controlled as to what is accepted to be dumped.

Ron Yarbrough of Mountcastle Road spoke in opposition stating that he agrees with all of the citizens that are here tonight.

Pete Johns of Waterside Drive spoke in opposition on behalf of the partners from New Kent Vineyards stating that the county has a wonderful future.

John Adams of Lakeview Road spoke in opposition stating that he doesn't want this landfill in the County. This is a historical area and that is a historical church across from that site. Mr. Adams also has concerns for the odor and birds.

Danny Moore of New Kent Highway spoke as undecided stating that no one has brought up the recycling opportunities.

John Lewry of Lakeside Drive spoke in opposition asking the officials to not look at the dollar signs, has concern that the officials have tried to scare the citizens into accepting the landfill by presenting the budget increase at the same time and proposing an increase in taxes.

Melvin Belcher of Emmaus Church Road spoke in opposition stating concerns for the traffic safety on the interstate and other roads in the County, economic gain will not happen if we have the trash, odors and everything else that comes with a landfill; and states that there is no assurance that the applicant will be here in the future to make sure the County will receive what they are promising.

Judy Harris of Pine Fork Road spoke in opposition stating concerns about the odor, the water quality, chemicals that are used, and asks that the officials be patient, with the water and sewer coming in the businesses will come.

John Crane of Kingshire Drive spoke in opposition stating that there are hundreds of reasons to vote against this application and encourages the officials to vote against it.

Moorad Mooradian of Royal Lane spoke in opposition stating concerns for the aircraft and what damage a bird can do and how it can bring a plane down.

Ruth Stewart spoke in opposition asking "why do you think New York wants to move their trash to other states?"

Harold Bryant of Villa Green Drive spoke in opposition asking the commission to reject the application.

Rose Bollinger of Emmaus Church Road spoke in opposition stating that this county is historic; it is beautiful and asks that the commission not allow the landfill to come to this county.

Valerie King of Henpeck Road spoke in opposition stating that she is the pastor at Emmaus Baptist Church and wishes to express her concern for the proposed landfill. The church was established in 1776 and is registered as a Virginia historical landmark. The landfill would destroy the historic nature of this landmark, has concerns for the truck traffic on Route 106, sea gulls etc.

Jackie Violet of Emmaus Church Road spoke in opposition stating that she was riding on Route 60 and noticed how obvious the Charles City Landfill is and does not want to see that in New Kent County.

John Parsley Jr at Mihalcoe Lane spoke in opposition.

Tom Lucy of Homestead Road spoke in opposition stating that staff has pretty much covered our concerns. This is not the best use of this property in this county.

James Hagood of Pine Needles Drive spoke in opposition.

Roy Harlow of Mihalcoe Lane spoke in opposition stating concerns of the safety of the increased traffic, the odor and the fact that you cannot control where the trucks will drive.

Joan Cummins of Mihalcoe Lane spoke in opposition stating that they picked New Kent County because of the rural character and the fact that this county is a beautiful county.

Thomas Ewing of Brickshire Drive spoke in opposition asking that the commission deny the application.

Henry Dowdy of Henpeck Road spoke in opposition restating what everyone else had said.

Rob Worsham of Henpeck Road spoke in opposition.

Kay Brown of Emmaus Church Road spoke in opposition.

Doug Houston of Historical Path Road spoke in opposition.

Susan Houston of Historical Path Road spoke in opposition stating that the Farms of New Kent will not succeed if a landfill comes in next door.

Mary Bryant of South Quaker Road spoke in opposition stating that she strongly opposes any and all proposed landfills.

Milton Hathaway of Crumps Mill Road spoke in opposition asking that the commission vote against the application stating that numerous agencies have stated that all liners will leak, it is not a question of will they leak, it's a question of when; also stating some concerns in reference to the proffers, the bird plan, litter clean up plan, and traffic problems.

Alexander Baine of Emmaus Church Road spoke in opposition asking why the commission is even considering accepting a landfill in this county.

Ricky Lento of Toe Ink Terrace spoke in opposition stating concerns for the odors and the health issues that arise with a landfill.

Jim Shemp of Magnolia Woods Ct. spoke in opposition stating that he has a business on Emmaus Church Road and feels that business are more likely to come to the County if we reject this offer.

Chris Kuhn of Cosby Mill Road spoke in favor asking if there are any new businesses coming to the County, stating that we need new schools, sewer and water, better roads, and higher taxes.

Dennis Walters of Lakeshore Drive spoke in opposition stating that we are dealing with an LLC which is a limited liability corporation, and we need to be concerned for the water quality.

Rick Waldrop of Mountcastle Road spoke in opposition

Mari Osburn of Dogwood Drive spoke in opposition stating concerns for the roads and growth in the county and is willing to pay higher taxes.

Brian Osburn of Dogwood Drive spoke in opposition stating to please raise his taxes.

Estell Mountcastle of Mountcastle Road spoke in opposition stating concerns for property values.

Isabel White of Farmers Drive spoke in opposition.

Christie Calhoun of King William County spoke in opposition stating that she lives next to a landfill and that there is trash in the waterways, the odor is horrible, traffic problems exist, health problems exist, and the problem with the seagulls.

Peggy Lyon of Lakeshore Drive spoke in opposition.

Led Coco of Rockwren Court spoke in opposition and has had second thoughts of building a new home in the county.

Jackie Yates of Talleyville Road spoke in opposition.

William Dervishian of Pamunkey Drive spoke in opposition stating that this proposal is not in the best interest and welfare of the county.

Kevin Eddowes of Halstead Lane spoke in opposition asking that if this is a cash cow for the county then tell the applicant to put up or shut up.

Jane Keegel of Brandon Pines Lane spoke in opposition.

Wayne Taylor of Old Church Road spoke in opposition.

Phillip Felts of Tunstall Road spoke in opposition stating that at 106 and I64 we are getting an information center, and if you allow a landfill across from it, what kind of message will you be sending.

Julian Lipscomb of Old Church Road spoke in opposition stating that he agrees with everyone that has spoke here tonight, however no one has brought up the dust that would be stirred up and will settle all around on the houses and other areas of the County.

The public hearing was closed.

Chairman Gammon made a statement to the citizens that the commission appreciates everyone coming out and giving their comments.

Ms. Moss stated that she appreciates that the citizens came out and giving their comments and appreciates how everyone is concerned for their property. And asks that the next time you throw your trash away give consideration to what you are doing to your neighbors.

Mr. Pollard stated that he has concern for the economic impact, and most people have concern for the odors and feels that you can get use to the smell. He feels that this is a good opportunity for the County and would like to know more dollar amounts of what the County currently pays for trash disposal. Mr. Hathaway responded that staff does not know the exact figure of what the County pays that is actually handled by another department, however I believe that we currently pay around \$450,000.

Mr. Chalmers stated that that he is not in favor of this application however would like to know why there is a disregard for aviation, I have had four close friends who went down and killed twenty eight people because a bird flew into the intake.

Mr. Evelyn stated that if we move a landfill into this County then we should be dealing with a landfill company, but we are dealing with a group of investors who don't even know where the trash would come from, and asked if staff had ever visited any sites that the applicant has developed. Mr. Hathaway responded that he believes that this is SPF's first landfill investment; Mr. Hathaway added that the development team is very experienced in landfill development.

Mr. Evelyn commented that this is a historical area and we have two historical churches within three miles and I would have to state that I am opposed.

Mr. Smith asked a question in reference to the buffer zone and what were the concerns of the County as far as keeping the buffer at 200'. Jay Smith responded that the state requires 50' and we have certainly doubled that and we are certainly willing to accept the county's recommendation of 200'. According to our study the visibility is limited.

Ms. Snyder read from a statement:

"I agree with many of the citizens of New Kent and with staff that a landfill in our county, especially the locality proposed by Schiminoe Meadows, is not a good idea. However, Schiminoe Meadows has presented a very well prepared proposal and I appreciate their efforts.

Perhaps the answer is, if we don't want a landfill then we need to take a look at how much we waste—it is very possible that one day we won't have any choice but to dump our garbage in our own backyard when others also turn down landfills.

As members of the Planning Commission, we are required to weigh the pros and cons of every proposal that comes before us. We can't choose to hear this one but not that one. It is our job to ask the hard questions, listen to public comment, and then to make our recommendation to the Board of Supervisors based on the data given to us.

Several months ago, we approved the building of 3,000 new homes for the county. This will double the size of New Kent in one swoop. The infrastructure needs are going to be higher in cost than what these rooftops will bring to us. As one of our past members, Jay Hubbard, stated: We

need a cash cow to pay for the rapid growth that our county is seeing or the existing homeowners will bear the brunt of this new growth in higher property taxes. The Board of Supervisors is debating now--not when but how much--taxes will be have to be raised this year for new schools and other infrastructure needs.

Thank you Mr. Chairman and I would appreciate my remarks being made a matter of record."

Chairman Gammon stated that we were told that we could not vote on this application at the March meeting because of the proffers and we were promised that we would get answers tonight, and that has not happened. Mr. Summers responded that the proffers stand as amended; there are many of the details in the proffer statement staff felt were not proper to be proffered. You can vote to defer this again tonight or you can vote on it.

Mr. Evelyn stated so we won't be able to get a host agreement until they know where the trash will come from.

Ms. Snyder commented that she is not comfortable voting on an incomplete application.

Ms. Townsend stated based on staff recommendation inconsistency with the comp plan and economic opportunity we should move to deny this application.

A motion was made by Ms. Townsend and second by Mr. Chalmers, forward application ZM-04-05 and CUP-02-05 to the New Kent County Board of Supervisors with an unfavorable recommendation.

Mr. Trout stated that as a member of the Board of Supervisors my vote will be an abstention.

A motion was made by Mr. Pollard to amend the motion to include that the host agreement be included as part of the negotiating.

Chairman Gammon stated that because there was no second to the amended motion, the motion is dead.

The members were polled:

Jack Chalmers	Aye
Thomas Evelyn	Aye
Howard Gammon	Aye
Sylvia Godsey	Aye
Charna Moss	Aye
Edward Pollard	Nay
David Smith	Aye
Sam Snyder	Aye
Tommy Tiller	Aye
Patricia Townsend	Aye
Stran Trout	Abstained

The motion carried, 9:1:1.

IN REF: NEW BUSINESS

None.

IN REF: CHAIRMAN'S REPORT

None.

IN REF: RRPDC REPORT

None.

IN REF: COMMISSIONER'S REPORT

Ms. Snyder reported that she had attended the Zoning Ordinance Rewrite Committee's meeting on 11 April 2006 and stated that we appreciate those who came by.

Mr. Hathaway reported that the committee is scheduled to meet on 27 April 2006 to discuss Phase I.

Mr. Pollard requested that the committee stay as close to the state definitions as possible when working on the zoning ordinance.

Ms. Snyder stated that having worked on the rewrite previously, most of the definitions are taken from state code.

Ms. Townsend requested that expiration dates be placed on Conditional Use Permits that if they do not produce or present some type of plan that they have to come back to the Planning Commission. Mr. Hathaway I don't believe that we can set expiration on zoning.

IN REF: STAFF REPORTS

Mr. Hathaway reported that at this time we do not have any applications to go before the commission at the May meeting.


IN REF: MEETING SCHEDULE

The Planning Commission is scheduled to meet Monday, 15 May 2006 at 6:30 p.m. in the Boardroom of the County Administration building.

IN RE: ADJOURNMENT

A motion to adjourn was made and second by all.

Respectfully submitted:



Pam Crosby

Recording Secretary