

NEW KENT COUNTY
PLANNING COMMISSION

MINUTES

THE REGULAR MEETING OF THE NEW KENT COUNTY PLANNING COMMISSION WAS HELD ON THE 20th DAY OF MARCH 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

Chairman Gammon called the Planning Commission meeting to order.

IN RE: APPROVAL OF MINUTES

A motion was made by Ms. Snyder and second by Ms. Townsend, to approve the minutes of the 21 February 2006 – Regular Meeting as presented.

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	Aye

The motion carried, 11:0:0

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

None.

At 6:35 p.m. a motion was made by Mr. Chalmers and seconded by Ms. Townsend to change the agenda and hear application S-34-04 before the public hearing.

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	Aye

The motion carried, 11:0:0

At 6:55 p.m. Chairman Gammon brought forward discussion and presentation on the Zoning Ordinance Rewrite Process.

IN REF: PUBLIC HEARINGS

At 7:00 p.m. Chairman Gammon asked the citizens to refrain from applauding after each speaker. The Commission has received some proffers, however they were received to late we will have to continue the public hearing in order to have the proffers available for the public to review.

A. 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, stating that because we received proffers from the applicant at a late time we will need to re-advertise and have another public hearing on April 17, 2006.

Jay Smith, representative of the applicant gave a presentation addressing some of the concerns of staff, citizens and commission members. Mr. Smith compared this landfill to the Henrico County Landfill on Nuckols Road.

The Commission asked questions and stated that a decision will not be made on this application tonight due to the late submission of proffers by the applicant.

Mr. Trout asked if all of the trash would be brought in by truck. Mr. Smith responded yes that is correct.

Mr. Trout stated that Mr. Smith also mentioned rail and barge what is the difference between truck, rail and barge. Mr. Smith responded that one of the problems with bringing in garbage by rail is that often rail cars come from long distances and when they get to the site they often sit out in the sun and bake creating more odor. With trucks they tend to get in, unload and get out. You don't have the garbage just sitting there.

Mr. Trout asked if the applicant had a study on the property in regards to the flood zone. The applicant responded that in their research the property is located above the mapped flood plains.

The commission held a public hearing in which seventy-four citizens made public comment on the rezoning and conditional use permit request. Seventy-one citizens spoke in opposition, one in favor, and two speaking in reference to some concerns and observations however not committing to a position.

The commission opened the public hearing.

Jeff Cimbalo of St. Peters Lane spoke in opposition referring to the plan of the landfill and that the applicant plans to do everything nice to do if you were running a landfill and the applicant plans to have someone else run the landfill. He stated that he lives on Marl Hill plantation which is individually listed on the national register as a historical landmark right next to St. Peters Church and St. Peters Church would like to become a Historical Landmark and a landfill will hinder the progress of historic preservation.

Frank Rawley of Mountcastle Road spoke in opposition stating that he has done a lot of research on this, stating that we all want to do the best thing for the County, I have discovered no matter how much we try to control the massive trash there were always be a problem with leaks, however how the landfill company determines to handle these leaks will determine the quality of life in the surrounding areas, concerns with the contamination of water. Landfills are a necessity. If other states want to bring their garbage to Virginia then they should have the opportunity to dump it in their own state first.

Mike Lamberth of Harrison Bluff Lane spoke in opposition, stating that he has submitted a letter previously.

Ayars Lore of Harrison Bluff Lane spoke in opposition, stating that he has submitted a letter previously as well as a signed petition.

Barbara Lore of Harrison Bluff Lane spoke in opposition, stating that she too has signed the petition.

Bill Walters of Harrison Bluff Lane spoke in opposition and sees no reason to go against staff recommendation.

Jay Hubbard of Pamunkey Drive spoke in opposition of this application, however would support a landfill in the county because of our County's approved Capital Improvement Plan and proposed budget, our homes are at stake here for tax purposes, stating that we need to find a cash cow other than our personal residence.

Rich Belcher of Quaker Road spoke in opposition, agreeing with staff's recommendation.

Mike Fisher of South Garden spoke in opposition stating that he already has to deal with a dump and now you want to put another one in our county. He would rather pay more taxes on his property and if this dump is approved he will be moving his business out of the county.

Mary Bryant of South Quaker Road spoke in opposition, stating that we have a beautiful county.

Robert Ray of Emmaus Church Road spoke in opposition stating that staff did a good job on their report and has concerns for his well, the traffic impact, trash which is left on the side of the road and the safety of the citizens from the trash falling out of the trucks.

Ron Yarbrough of Mountcastle Road spoke in opposition stating that they moved to the County for the rural character, stating that it will destroy the County.

Wyndell Merritt of Pamunkey Drive spoke in opposition stating that it looks like the majority of the county is in opposition as well as the members of his hunt club.

Andrew Conklin, Mayor of West Point spoke in reference to the safety of the trucks and stated that if they have inspection sites in West Point and currently have eleven trucks parked on a lot because they failed the inspection.

Melissa Cannaday of Olivet Church Road spoke in opposition agreeing with everyone else who had spoken.

Henry Dowdy of Henpeck Road spoke in opposition stating that there are other ways to generate revenue for the County, and doesn't think that the County is a good location for any type of landfill and has concerns for the increase in traffic on the interstate.

Siva Buchanan of Lakeshore Drive spoke in opposition stating that she has not received answers to questions that she has asked.

Sue Salayi of Olivet Church Road spoke in opposition stating that there is a creek that runs nearby and has concerns for their water supply getting contaminated.

Jack Crane of Kingshire Drive spoke in opposition, stating some statistics from an article in Va Business magazine states that Virginia is rated number 2 in the nation in imported trash and asks why should we be accepting more trash in Virginia.

John Lewry of Lakeside Drive spoke in opposition stating that this is not the type of economic development that we want or need. He believes that if you approve this application that you would be accepting a 20 year short term revenue gain for an unknown lifetime liability. He also addressed the issue of the commission receiving proffers at the last minute because they saw a lot of public opposition coming and in hopes that next month fewer people would show up and the commission could sneak this application by.

Ruth Stewart of Timber Drive spoke in opposition asking if VDOT had been consulted and referred to the traffic on I-64.

Steve Mills of Stage Road spoke in opposition.

Bernard Randolph of New Kent Highway spoke in opposition.

Richard Williams of Talleyville Road spoke in opposition.

Dwight Johnson of Brema La spoke in opposition stating that a landfill would be a very poor use of the area and compared it to the Henrico County dump and how there is always trash on the roads, the smell is bad and there are always a lot of birds everywhere.

Bill O'Keefe of Brickshire Drive spoke in opposition stating that Mr. Smith and his colleagues are inconsistent in their proposals on the truck traffic; and the proposal is inconsistent with the economic development designation for the Talleyville area. He has concerns for the groundwater and hazardous waste being accepted, it is a fact that landfills leak.

Judy Harris of Pine Fork Road spoke in opposition with concerns of ground water contamination.

Nancy Burnett of Olivet Church Road spoke in opposition has concerns for the clean air.

Jane Wood of Pocahontas Trail spoke in opposition.

Pete Johns of North Waterside Drive spoke in opposition on behalf of the partners for New Kent Farms LLC, stating that they believe that this interchange is one of the most valuable commodities that this County has, they also believe that land values will be negatively affected and the opportunity for other businesses will be negatively affected. As a citizen of the County he has much high aspirations for the County than to be known as a dump sight.

Brad Keegle of Brandon Pines Drive spoke in opposition stating that he is an environmental engineer and is unclear about the use of the gas that will come from the facilities if it were approved.

Jane Keegle of Brandon Pines Drive spoke in opposition urging the commission to protect this County.

Donna Sickels of Southernness Way spoke in opposition and agrees with every opinion from everyone who has spoken.

Jeff Ellett of Kenleigh Court spoke in opposition stating that he has observed the King and Queen Landfill and has witnessed polluted water dropping from the trucks, trash dropping from the trucks and is concerned for the lives of our children and families.

Tom Boschert of College Green Drive spoke in opposition stating that this area has a far greater economic potential.

Ross Barber of Pine Needles Drive spoke in opposition.

Carol Beggs of Liberty Hall spoke in opposition.

Jackie Yates of Talleyville Road spoke in opposition stating that it has already affected the decisions of people who may want to move to the County.

Isabel Davis White of Farmers Drive spoke in opposition with concerns for safety.

T J Mann of Wigeon Drive spoke in opposition agreeing with what Ms. Yates stated.

William Jeffries of Horseshoe Drive spoke in opposition with concerns for the birds being so close to the airport and is totally opposed.

Robert Billcheck of Bishops Gate Way spoke in opposition with concerns for the answer that was given when asked about the 100 year flood.

Chris Kuhn of Cosby Mill Road spoke in favor, stating that he would like the County to be known as a historical not hysterical county and continued to read from a statement that was submitted to the recording secretary. He is a business owner in the County and appreciates that the commission is looking at this application and feels that we need more business in the County.

Bill Dugan of Stage Road spoke in opposition stating that the County does not need a dump.

Kay Brown of Continental Can Road spoke in opposition referring to the King and Queen Landfill and how the citizens there feel about it, questioning the well water, the wellbeing of wildlife, birds, and problems with traffic.

Brian Osborne of Dogwood Drive spoke in opposition.

Donald Maxim of Idens Place spoke in opposition.

Donna Miller of Liberty Hall Road spoke in opposition stating that there is nothing positive about a landfill and is disappointed that the government officials keep going against the wishes of the people and people don't want to come to the county if it's a trash county.

Herbert Chappell of Lakeshore Drive spoke in opposition stating that we already get the seagulls from the Charles City Dump and is worried about the ground water.

Evelyn Chappell of Lakeshore Drive spoke in opposition stating that seagulls are flying rats which contribute to the contamination of water.

Joan Cummins of Mihalcoe Lane spoke in opposition with concerns for the odors, birds and increased traffic.

Maria Becker of Lakeshore Drive spoke in opposition with concerns for the ground water.

Dennis Walters of Lakeshore Drive spoke in opposition with concerns for the ground water.

Milton Hathaway of Crumps Mill Road spoke in opposition stating that this is a flawed request and there have been a lot of problems with landfills and the fact that the waste does not always settle quickly and read from an article. He goes on to say that you will have odor, you will have birds. The quality of life in the County will be damaged.

Tyler Madison of Burnum Road, Richmond Va and is the Chairperson of the Sierra Club asked that the Commission deny the application having concern for the waterways, and that even the most sophisticated liners leak.

Diana Parker of the Falls of the James Sierra Club, spoke in opposition stating that the County has an excellent Comprehensive Plan and it includes industrial development along I-64. Complaining of the odors that come from the Charles City Landfill.

Carlton Pierce of Emmaus Church Road spoke in opposition.

Larry Haviland of Brickshire Drive spoke in opposition agreeing with the other citizens who spoke.

Frank Clark of Clark Road spoke in opposition.

John Larocca of Ashborough Drive spoke in opposition

Richard Aikens of Winding River Road spoke in opposition.

Jimmy Dayne of Emmaus Church Road spoke in opposition.

Jacqueline Hoff of Newtown Road spoke in opposition stating that Eltham Road is presently besieged with trash trucks coming through going to King and Queen and this is a dangerous situation.

Rick Wills of Hopewell Road spoke in opposition accusing the Charles City Dump of getting around inspections while being constructed.

Alexander Bayne of Emmaus Church Road spoke in opposition.

John Crump of Kings Pond Drive spoke in opposition.

Larry Elinskas of Regal Lane spoke in opposition of this and any other landfill application.

Tammy Milby of Tallevsille Road spoke in opposition speaking of concerns for traffic, environmental impact and staying in line with the Comprehensive Plan. They moved to the County because of the rural surroundings.

Wayne Hayden, President of the New Kent Chamber of Commerce spoke in opposition stating that they had polled the members of the chamber of commerce and all but one member is in opposition.

Kevin Eddowes of Halstead Lane spoke in opposition.

Julian Lipscomb of Old Church Road spoke in opposition, stating that there is no place for a dump in this county.

Stuart Harlow of Mihalcoe Lane spoke in opposition.

Vicky Lane of Greenwood Blvd spoke in opposition.

Patrick Lane of Greenwood Lane spoke in opposition stating that if a landfill is such a good thing then why doesn't every county want one.

The public hearing was closed until 17 April 2006.

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

The Commission asked staff and Jeff Summers, County Attorney to review the proffers that were submitted and forward comments to the commission before the next meeting.

IN REF: NEW BUSINESS

Application S-34-04 was presented at about 6:35 p.m.

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 gave a presentation on the preliminary subdivision application and the Commission asked questions.

Ms. Snyder asked where the second entrance was located. Mr. Hathaway responded that the second entrance will be from Egypt Road however it will be through the Goodall property.

Ms. Townsend asked who would supply the water. Mr. Hathaway responded that the County will be supplying water.

Ms. Townsend asked when utilities would be available. Mr. Hathaway responded that he is not familiar with the schedule of the construction of the utilities but there is an agreement that public utilities is currently in the process of completing with the applicant.

Ms. Godsey asked if this application for 50 lots. Mr. Hathaway responded that the approval is for the entire 140 lots.

Ms. Snyder asked if the main entrance will be from Egypt Road. Mr. Hathaway responded yes.

Mr. Gammon asked if there is comment provided on the traffic impact on Egypt Road. Mr. Hathaway responded that VDOT does have some concern for the extra traffic that this development will generate, the county is unable to require the applicant to proffer an improvement to this road.

Ms. Townsend asked if all of the traffic will be exiting onto Rte 249 from Egypt Road. Mr. Hathaway responded that there are no other entrances planned to New Kent Highway.

Ms. Snyder asked how many cars will this subdivision generate a day. Mr. Hathaway responded that it would be about ten trips per day per household.

Ms. Godsey asked who would be responsible for maintaining the roads. Mr. Hathaway responded that the roads would be maintained by VDOT.

Mr. Chalmers asked if the road was on the six year plan. Mr. Hathaway responded that there are no improvements planned at this time.

Ms. Snyder stated that it is her understanding that this property is already zoned residential. Mr. Hathaway responded that this property was zoned in the early 70's.

Ms. Snyder asked if there have been other plans approved for Egypt Road. Mr. Hathaway responded that a bus garage and County vehicle maintenance facility has been approved, and a recent purchase of a 500 acre tract which we have received plans for about a year ago, this has not been approved as of yet, however I believe it could go before you this year.

Mr. Chalmers asked about condition number 10 which mention street lights and would like to know what type of street lights these are. Mr. Hathaway responded that the zoning ordinance controls the type of street lights that may be used.

Mr. Evelyn asked if the applicant has received a copy of the conditions. Mr. Hathaway responded yes they have.

Mr. Trout asked if there is anything in the agreement that requires the developer to improve the roads. Mr. Hathaway responded no there is not.

Mr. Trout asked is there anything that requires the county to improve the roads. Mr. Hathaway responded, no.

Ms. Townsend stated that she feels that we are looking at a large increase of traffic in this area and I would strongly request a traffic impact analysis for this area.

A motion was made by Ms. Townsend and second by Ms. Godsey, to deny application S-34-04 preliminary subdivision approval for the following reasons: because of the traffic impact on Egypt Road.

Mr. Summers stated that because of the current zoning, under state law we have an issue with simply requiring road improvement, and because this zoning is so old we believe that the community would be best served to delay a decision until the next meeting so that I can give you an opinion on whether or not you can effectively deny this proposal because of road improvements issue. Therefore I request that you delay a decision being made.

Ms. Townsend withdrew her motion.

A motion was made by Mr. Chalmers and second by Ms. Snyder to postpone a decision on S-34-04: The Oaks Subdivision Preliminary Approval to the 17 April 2006 meeting of the Planning Commission.

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	Aye

The motion carried, 11:0:0

Mr. Cameron Palmore, representative for applicant for The Oaks Subdivision, stated that when this project was first amended one of the items that was discussed was the traffic impact on Egypt Road. The fact that the property was zoned so long ago there were no proffers offered at that time to provide for the roads. The property is already zoned and the proposal before you meets the standards of the ordinance.

Mr. Chalmers asked if the applicant would entertain a cost sharing with VDOT to maintain these roads. Mr. Palmore responded that I would need to discuss that with my client.

B. APPOINTMENTS FOR THE ZONING ORDINANCE REWRITE COMMITTEE

The Zoning Ordinance Re-write Committee will consist of 15 members who will be appointed by the Planning Commission and Board of Supervisors. Each Commissioner and Supervisor will appoint one person.

Staff gave a brief presentation to the Commission on the Zoning Ordinance Rewrite process; the Commission asked questions of staff and made appointments to the committee.

- Thomas Evelyn appointed James Watts as Representative for District 1 on the Zoning Ordinance Re-write Committee.
- Patricia Townsend appointed Thomas Evelyn as Representative for District 1 on the Zoning Ordinance Re-write Committee.
- Sylvia Godsey appointed John Reuse as Representative for District 2 on the Zoning Ordinance Re-write Committee.
- Tommy Tiller appointed Becky Ringley as Representative for District 2 on the Zoning Ordinance Re-write Committee.
- Charna Moss appointed William Taylor as Representative for District 3 on the Zoning Ordinance Re-write Committee.
- Sam Snyder appointed Lisa Guthrie as Representative for District 3 on the Zoning Ordinance Re-write Committee.
- Jack Chalmers appointed Michael Pitman as Representative for District 4 on the Zoning Ordinance Re-write Committee.
- David Smith appointed Laura Rose as Representative for District 4 on the Zoning Ordinance Re-write Committee.
- Howard Gammon appointed David Adams as Representative for District 5 on the Zoning Ordinance Re-write Committee.
- Edward Pollard appointed Isabel White as Representative for District 5 on the Zoning Ordinance Re-write Committee.

Staff reported that there will be an orientation workshop on 30th of March 2006 at 6:00 p.m. Mike Chandler, CVPEAV will be doing the orientation and training; as well as a citizens informational meeting will be held on Tuesday the 11th of April at the Cumberland Community Center from 1:00 – 9:00 p.m.

None.

IN REF: RRPDC REPORT

None.

IN REF: COMMISSIONER'S REPORT

None.

IN REF: STAFF REPORTS

None.

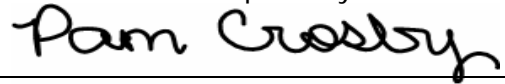
IN REF: MEETING SCHEDULE

The Planning Commission is scheduled to meet Monday, 17 April 2006 at 6:30 p.m. in the Auditorium of the New Kent High School.

IN RE: ADJOURNMENT

A motion to adjourn was made and seconded by all.

Respectfully submitted:



Pam Crosby
Recording Secretary