



**WETLANDS BOARD  
MINUTES**

CITY OF VIRGINIA BEACH

CITY COUNCIL CHAMBER

MAY 20, 2019

10:02 AM

**MEMBERS PRESENT:**

CHAIRMAN, JAMES T. VAIL, PRESIDING  
VICE CHAIR, JOASHUA SCHULMAN

JASON BARNEY  
KATIE CRUM  
CINDY HAWKS WHITE

**MEMBERS ABSENT:**

NILS S. BAHRINGER  
STEPHEN BALLARD

## INDEX

| <u>OLD BUSINESS –SAND MANAGEMENT</u>         |                 |    |
|--|-----------------|----|
| RODNEY AND DONNA KOSANOVICH                  | 2017-WTRA-00123 | 4  |
| WILLIAM B. MEREDITH, III                     | 2017-WTRA-00092 | 5  |
| WEI CHEN AND MIAN LI                         | 2017-WTRA-00104 | 6  |
| JEFF KUCZEK                                  | 2017-WTRA-00110 | 7  |
| TROY JAMISON AND RICHARD ELLIOT              | 2017-WTRA-00117 | 8  |
| TRAMAR ENTERPRISES, LLC                      | 2017-WTRA-00120 | 9  |
| ALLEN MARCOUX AND ANNE PELLETIER             | 2017-WTRA-00121 | 10 |
| KIM MAGNANO                                  | 2017-WTRA-00122 | 11 |
| FREDERICK AND KARIN STAUDENMAYER             | 2017-WTRA-00127 | 12 |
| R.J. VAN DIVENDER                            | 2017-WTRA-00128 | 13 |
| 3556 SANDFIDDLER ROAD, LLC                   | 2017-WTRA-00129 | 14 |
| <u>OLD BUSINESS –WETLANDS</u>                |                 |    |
| CITY OF VIRGINIA BEACH, ET. AL.              | 2016-WTRA-00057 | 15 |
| CITY OF VIRGINIA BEACH, ET. AL.              | 2017-WTRA-00025 | 16 |
| <u>NEW BUSINESS –WETLANDS</u>                |                 |    |
| DENISE KULICK                                | 2019-WTRA-00053 | 17 |
| JIM CASTNER                                  | 2019-WTRA-00056 | 18 |
| RICK AND DONNA QUIGG                         | 2019-WTRA-00087 | 19 |
| FARINO LIVING TRUST                          | 2019-WTRA-00092 | 20 |
| BB&T   | 2019-WTRA-00101 | 21 |
| <u>RESTORATION</u>                           |                 |    |
| HE HUANG & CHUI MEI CHEUNG/<br>GEOF VOORHEES | 2018-WTRV-00003 | 22 |

**WETLANDS BOARD  
VIRGINIA BEACH, VIRGINIA  
PUBLIC HEARING MINUTES**

The May, 2019 Public Hearing for the Virginia Beach Wetlands Board was called to order by the Chair, James T. Vail, in the City Council Chamber, Virginia Beach, Virginia, at 10:02 AM, May 20, 2019.

The Chair welcomed all present, stated the responsible charge of the Wetlands Board, as delineated in the Virginia State Code and announced appeals are available through the Virginia Marine Resources Commission (VMRC) within ten (10) days of this Board's decision.

Approval expires one (1) year from the date it is granted. A permit is normally extended, but not an approval. Applicants are advised to obtain their permit within no more than thirty (30) days of their Hearing. Extensions must be requested before the expiration date.

The Chair acknowledged each applicant and/or agent for the applicant and administered the oath of truth and honor.

The slide presentation for each application site was rendered by Mr. Charles McKenna.

**RODNEY AND DONNA KOSANOVICH  
APPLICATION No.: 2017-WTRA-00123**

**PROJECT:** To excavate sand involving a Coastal Primary Sand Dune/Beach

**PROJECT LOCATION:** 3636 Sandfiddler Road, contiguous to Atlantic Ocean

**REQUEST:** Extension of Time

**SPEAKER:** None

Upon Motion by Mr. Schulman, seconded by Mr. Barney, the request of **Rodney and Donna Kosanovich** for a **ONE (1) YEAR EXTENSION OF TIME** was **GRANTED**.

**VOTE: 5-0**

**MEMBERS VOTING AYE:**

Jason Barney, Katie Crum, Joshua Schulman,  
James Vail and Cindy Hawks White

**MEMBERS VOTING NAY:**

**MEMBERS ABSENT:**

Nils S. Bahringer and Stephen Ballard

**MEMBERS ABSTAINING:**

**WILLIAM B. MEREDITH, III**  
**APPLICATION No.: 2017-WTRA-00092**

**PROJECT:** To excavate sand involving a Coastal Primary Sand Dune/Beach

**PROJECT LOCATION:** 3660 Sandfiddler Road, contiguous to Atlantic Ocean

**REQUEST:** Extension of Time

**SPEAKER:** None

Upon Motion by Mr. Schulman, seconded by Mr. Barney, the request of **William B. Meredith, III**, for a **ONE (1) YEAR EXTENSION OF TIME** was **GRANTED**.

**VOTE: 5-0**

**MEMBERS VOTING AYE:**

Jason Barney, Katie Crum, Joshua Schulman,  
James Vail and Cindy Hawks White

**MEMBERS VOTING NAY:**

**MEMBERS ABSENT:**

Nils S. Bahringer and Stephen Ballard

**MEMBERS ABSTAINING:**

**WEI CHEN AND MIAN LI**  
**APPLICATION No.: 2017-WTRA-00104**

**PROJECT:** To excavate sand involving a Coastal Primary Sand Dune/Beach

**PROJECT LOCATION:** 3200 Sandfiddler Road, contiguous to Atlantic Ocean

**REQUEST:** Extension of Time

**SPEAKER:** None

Upon Motion by Mr. Schulman, seconded by Mr. Barney, the request of **Wei Chen** and **Mian Li** for a **ONE (1) YEAR EXTENSION OF TIME** was **GRANTED**.

**VOTE: 5-0**

**MEMBERS VOTING AYE:**

Jason Barney, Katie Crum, Joshua Schulman,  
James Vail and Cindy Hawks White

**MEMBERS VOTING NAY:**

**MEMBERS ABSENT:**

Nils S. Bahringer and Stephen Ballard

**MEMBERS ABSTAINING:**

**JEFF KUCZEK**  
**APPLICATION No.: 2017-WTRA-00110**

**PROJECT:** To excavate sand involving a Coastal Primary Sand Dune/Beach

**PROJECT LOCATION:** 3324 Sandfiddler Road, contiguous to Atlantic Ocean

**REQUEST:** Extension of Time

**SPEAKER:** None

Upon Motion by Mr. Schulman, seconded by Mr. Barney, the request of **Jeff Kuczek** for a **ONE (1) YEAR EXTENSION OF TIME** was **GRANTED**.

**VOTE: 5-0**

**MEMBERS VOTING AYE:**

Jason Barney, Katie Crum, Joshua Schulman,  
James Vail and Cindy Hawks White

**MEMBERS VOTING NAY:**

**MEMBERS ABSENT:**

Nils S. Bahringer and Stephen Ballard

**MEMBERS ABSTAINING:**

**TROY JAMISON AND RICHARD ELLIOT  
APPLICATION No.: 2017-WTRA-00117**

**PROJECT:** To excavate sand involving a Coastal Primary Sand Dune/Beach

**PROJECT LOCATION:** 2332 Sandfiddler Road contiguous to Atlantic Ocean

**REQUEST:** Extension of Time

**SPEAKER:** None

Upon Motion by Mr. Schulman, seconded by Mr. Barney, the request of **Troy Jamison** and **Richard Elliot** for a **ONE (1) YEAR EXTENSION OF TIME** was **GRANTED**.

**VOTE: 5-0**

**MEMBERS VOTING AYE:**

Jason Barney, Katie Crum, Joshua Schulman,  
James Vail and Cindy Hawks White

**MEMBERS VOTING NAY:**

**MEMBERS ABSENT:**

Nils S. Bahringer and Stephen Ballard

**MEMBERS ABSTAINING:**



**TRAMAR ENTERPRISES, LLC**  
**APPLICATION No.: 2017-WTRA-00120**

**PROJECT:** To excavate sand involving a Coastal Primary Sand Dune/Beach

**PROJECT LOCATION:** 2560 Sandfiddler Road, contiguous to Atlantic Ocean

**REQUEST:** Extension of Time

**SPEAKER:** None

Upon Motion by Mr. Schulman, seconded by Mr. Barney, the request of **Tramar Enterprises, LLC**, for a **ONE (1) YEAR EXTENSION OF TIME** was **GRANTED**.

**VOTE: 5-0**

**MEMBERS VOTING AYE:**

Jason Barney, Katie Crum, Joshua Schulman,  
James Vail and Cindy Hawks White

**MEMBERS VOTING NAY:**

**MEMBERS ABSENT:**

Nils S. Bahringer and Stephen Ballard

**MEMBERS ABSTAINING:**

**ALLEN MARCOUX AND ANNE PELLETIER  
APPLICATION No.: 2017-WTRA-00121**

**PROJECT:** To excavate sand involving a Coastal Primary Sand Dune/Beach

**PROJECT LOCATION:** 3656 Sandfiddler Road, contiguous to Atlantic Ocean

**REQUEST:** Extension of Time

**SPEAKER:** None

Upon Motion by Mr. Schulman, seconded by Mr. Barney, the request of **Allen Marcoux and Anne Pelletier** for a **ONE (1) YEAR EXTENSION OF TIME** was **GRANTED**.

**VOTE: 5-0**

**MEMBERS VOTING AYE:**

Jason Barney, Katie Crum, Joshua Schulman,  
James Vail and Cindy Hawks White

**MEMBERS VOTING NAY:**

**MEMBERS ABSENT:**

Nils S. Bahringer and Stephen Ballard

**MEMBERS ABSTAINING:**

**KIM MAGNANO**  
**APPLICATION No.: 2017-WTRA-00122**

**PROJECT:** To excavate sand involving a Coastal Primary Sand Dune/Beach

**PROJECT LOCATION:** 2712 Sandfiddler Road, contiguous to Atlantic Ocean

**REQUEST:** Extension of Time

**SPEAKER:** None

Upon Motion by Mr. Schulman, seconded by Mr. Barney, the request of **Kim Magnano** for a **ONE (1) YEAR EXTENSION OF TIME** was **GRANTED**.

**VOTE: 5-0**

**MEMBERS VOTING AYE:**

Jason Barney, Katie Crum, Joshua Schulman,  
James Vail and Cindy Hawks White

**MEMBERS VOTING NAY:**

**MEMBERS ABSENT:**

Nils S. Bahringer and Stephen Ballard

**MEMBERS ABSTAINING:**

**FREDERICK AND KARIN STAUDENMAYER  
APPLICATION No.: 2017-WTRA-00127**

**PROJECT:** To excavate sand involving a Coastal Primary Sand Dune/Beach

**PROJECT LOCATION:** 3356 Sandfiddler Road, contiguous to Atlantic Ocean

**REQUEST:** Extension of Time

**SPEAKER:** None

Upon Motion by Mr. Schulman, seconded by Mr. Barney, the request of **Frederick and Karin Staudenmayer** for a **ONE (1) YEAR EXTENSION OF TIME** was **GRANTED**.

**VOTE: 5-0**

**MEMBERS VOTING AYE:**

Jason Barney, Katie Crum, Joshua Schulman,  
James Vail and Cindy Hawks White

**MEMBERS VOTING NAY:**

**MEMBERS ABSENT:**

Nils S. Bahringer and Stephen Ballard

**MEMBERS ABSTAINING:**

**R.J. VAN DIVENDER**  
**APPLICATION No.: 2017-WTRA-00128**

**PROJECT:** To excavate sand involving a Coastal Primary Sand Dune/Beach

**PROJECT LOCATION:** 3512 Sandfiddler Road, contiguous to Atlantic Ocean

**REQUEST:** Extension of Time

**SPEAKER:** None

Upon Motion by Mr. Schulman, seconded by Mr. Barney, the request of **R.J. Van Divender** for a **ONE (1) YEAR EXTENSION OF TIME** was **GRANTED**.

**VOTE: 5-0**

**MEMBERS VOTING AYE:**

Jason Barney, Katie Crum, Joshua Schulman,  
James Vail and Cindy Hawks White

**MEMBERS VOTING NAY:**

**MEMBERS ABSENT:**

Nils S. Bahringer and Stephen Ballard

**MEMBERS ABSTAINING:**

**3556 SANDFIDDLER, LLC**  
**APPLICATION No.: 2017-WTRA-00129**

**PROJECT:** To excavate sand involving a Coastal Primary Sand Dune/Beach

**PROJECT LOCATION:** 3556 Sandfiddler Road, contiguous to Atlantic Ocean

**REQUEST:** Extension of Time

**SPEAKER:** None

Upon Motion by Mr. Schulman, seconded by Mr. Barney, the request of **3556 Sandfiddler, LLC**, for a **ONE (1) YEAR EXTENSION OF TIME** was **GRANTED**.

**VOTE: 5-0**

**MEMBERS VOTING AYE:**

Jason Barney, Katie Crum, Joshua Schulman,  
James Vail and Cindy Hawks White

**MEMBERS VOTING NAY:**

**MEMBERS ABSENT:**

Nils S. Bahringer and Stephen Ballard

**MEMBERS ABSTAINING:**

**CITY OF VIRGINIA BEACH, ET. AL.  
APPLICATION No.: 2016-WTRA-00057**

**PROJECT:** To dredge the Chesapeake Colony Special Service District Neighborhood Dredging Project involving wetlands

**PROJECT LOCATION:** Adjacent to Chesapeake Colony, contiguous to Pinetree Branch and London Bridge Creek

**REQUEST:** Extension of Time

**SPEAKER:** None

Upon Motion by Mr. Schulman, seconded by Mr. Barney, the request of **City of Virginia Beach, et. al**, for a **ONE (1) YEAR EXTENSION OF TIME** was **GRANTED**.

**VOTE: 5-0**

**MEMBERS VOTING AYE:**

Jason Barney, Katie Crum, Joshua Schulman,  
James Vail and Cindy Hawks White

**MEMBERS VOTING NAY:**

**MEMBERS ABSENT:**

Nils S. Bahringer and Stephen Ballard

**MEMBERS ABSTAINING:**

**CITY OF VIRGINIA BEACH, ET. AL.  
APPLICATION NO.: 2017-WTRA-00025**

**PROJECT:** To dredge involving wetlands

**PROJECT LOCATION:** Gills Cove SSD Neighborhood, contiguous to Eastern Branch of the  
Lynnhaven River

**REQUEST:** Extension of Time

**SPEAKER:** None

Upon Motion by Mr. Schulman, seconded by Mr. Barney, the request of **City of Virginia Beach, et. al**, for a **ONE (1) YEAR EXTENSION OF TIME** was **GRANTED**.

**VOTE: 5-0**

**MEMBERS VOTING AYE:**

Jason Barney, Katie Crum, Joshua Schulman,  
James Vail and Cindy Hawks White

**MEMBERS VOTING NAY:**

**MEMBERS ABSENT:**

Nils S. Bahringer and Stephen Ballard

**MEMBERS ABSTAINING:**



**DENISE KULICK**  
**APPLICATION No.: 2019-WTRA-00053**

**PROJECT:** To construct a bulkhead involving wetlands

**PROJECT LOCATION:** 1076 Downshire Chase, contiguous to Eastern Branch Lynnhaven River

**SPEAKERS:** **FOR** – Richard Calvert, Calvert Marine

Upon Motion by Mr. Schulman, seconded by Mr. Barney, the application of **Denise Kulick** was **APPROVED, AS MODIFIED, WITH THE FOLLOWING CONDITIONS:**

1. Identify and clearly label the limits of fill on the site plan.
2. Identify and clearly label the limits of construction on the site plan and specify the square footage of disturbance.
3. Indicate the location of existing trees and specify a suitable protective barrier, such as safety fencing, shall be erected outside of the dripline.
4. Revised plans shall be submitted to Virginia Marine Resources Commission (VMRC) and ultimately approved by the Department of Planning and Community Development prior to the issuance of a building permit.
5. In order for the applicant to pursue an increase in the bulkhead height of greater than 1-foot above the height of the existing bulkhead, a variance from the Chesapeake Bay Preservation Area (CBPA) Board will be required prior to the issuance of the Wetlands Board's permit.

No Net Loss of wetlands on this project was achieved by payment of an in-lieu fee.

**VOTE: 5-0**

**MEMBERS VOTING AYE:**

Jason Barney, Katie Crum, Joshua Schulman,  
James Vail and Cindy Hawks White

**MEMBERS VOTING NAY:**

**MEMBERS ABSENT:**

Nils S. Bahringer and Stephen Ballard

**MEMBERS ABSTAINING:**

**JIM CASTNER**  
**APPLICATION No.: 2019-WTRA-00056**

**PROJECT:** To construct a residential pier involving wetlands

**PROJECT LOCATION:** 1500 Mill Landing Road, contiguous to Back Bay

**SPEAKER:** **FOR** – R. Harold Jones, Sigma Environmental Services, Inc.

Upon Motion by Mr. Schulman, seconded by Mr. Barney, the application of **Jim Castner** was **APPROVED, AS SUBMITTED.**

**VOTE: 5-0**

**MEMBERS VOTING AYE:**

Jason Barney, Katie Crum, Joshua Schulman,  
James Vail and Cindy Hawks White

**MEMBERS VOTING NAY:**

**MEMBERS ABSENT:**

Nils S. Bahringer and Stephen Ballard

**MEMBERS ABSTAINING:**

**RICK AND DONNA QUIGG**  
**APPLICATION NO.: 2019-WTRA-00087**

**PROJECT:** To construct a bulkhead, rip rap, and marsh with sill involving wetlands

**PROJECT LOCATION:** 1505 Quail Point Road, contiguous to Linkhorn Bay

**SPEAKER:** **FOR** – Billy Garrington, Governmental Permitting Consultants

Upon Motion by Mr. Schulman, seconded by Mr. Barney, the application of **Rick and Donna Quigg** was **APPROVED, AS MODIFIED, WITH THE FOLLOWING CONDITIONS:**

1. Identify and clearly label the limits of fill on the site plan.
2. Identify and clearly label the limits of construction on the site plan and specify the square footage of disturbance.
3. All trees removed in conjunction with the bulkhead, sill, and marsh planting shall be mitigated on site at a 1:1 ratio. Proposed tree mitigation shall be shown on revised plans.
4. All disturbed areas will be revegetated in-kind.
5. Following installation of the wetlands vegetation, provide annual vegetation monitoring reports in mid-August for three years. The reports shall include pictures and a re-vegetation plan for any areas of the vegetation that failed to establish.
6. Revised plans shall be submitted to Virginia Marine Resources Commission (VMRC) and ultimately approved by the Department of Planning and Community Development prior to the issuance of a building permit.

No Net Loss of wetlands on this project was achieved by the use of on-site compensation.

**VOTE: 5-0**

**MEMBERS VOTING AYE:**

Jason Barney, Katie Crum Joshua Schulman,  
James Vail and Cindy Hawks White

**MEMBERS VOTING NAY:**

**MEMBERS ABSENT:**

Nils S. Bahringer and Stephen Ballard

**MEMBERS ABSTAINING:**

**FARINO LIVING TRUST**  
**APPLICATION No.: 2019-WTRA-00092**

**PROJECT:** To replace a bulkhead two (2) feet channelward involving wetlands  
**PROJECT LOCATION:** 681 Thalia Point Road, contiguous to Western Branch of Lynnhaven River  
**SPEAKER:** NONE

Upon Motion by Mr. Schulman, seconded by Mr. Barney, the application of **Farino Living Trust** was **DEFERRED FOR SIXTY (60) DAYS TO THE JULY 2019 WETLANDS PUBLIC HEARING.**

**VOTE: 5-0**

**MEMBERS VOTING AYE:**

Jason Barney, Katie Crum, Joshua Schulman,  
James Vail and Cindy Hawks White

**MEMBERS VOTING NAY:**

**MEMBERS ABSENT:**

Nils S. Bahringer and Stephen Ballard

**MEMBERS ABSTAINING:**

**BB&T**  
**2019-WTRA-00101**

**PROJECT:** To construct rip rap and living shoreline involving wetlands

**PROJECT LOCATION:** 948 Laskin Road, contiguous to Little Neck Creek

**SPEAKER:** FOR – R.J. Nutter, Agent for the Applicant

Upon Motion by Mr. Schulman, seconded by Mr. Barney, the application of **BB&T** was **APPROVED, AS MODIFIED, WITH THE FOLLOWING CONDITIONS:**

1. Preserve the existing grades and wetlands vegetation ten (10)-feet landward of the existing steel bulkhead cap. Excavate the remaining grade five feet in front of the proposed riprap including the area to be over excavated to the elevations shown on the plan, fill with clean sand and vegetate with a 50-50 mixture of *Spartina Alterifloria* and *Spartina Patens*
2. Revised plans shall be submitted to Virginia Marine Resources Commission (VMRC) and ultimately approved by the Department of Planning and Community Development prior to the issuance of a building permit.
3. Following installation of the wetlands vegetation, provide annual vegetation monitoring reports in mid-August for three (3) years. The reports shall include pictures and a re-vegetation plan for any areas of the vegetation that failed to establish.

No Net Loss of wetlands on this project was achieved by the use of on-site compensation.

**VOTE: 5-0**

**MEMBERS VOTING AYE:**

Jason Barney, Katie Crum, Joshua Schulman,  
James Vail and Cindy Hawks White

**MEMBERS VOTING NAY:**

**MEMBERS ABSENT:**

Nils S. Bahringer and Stephen Ballard

**MEMBERS ABSTAINING:**

**HE HUANG AND CHUI MEI CHEUNG/GEOF VOORHEES  
2018-WTRV-0003**

**RESTORATION HEARING**

*(This matter was deferred from the April 15, 2019, Restoration Hearing)*

**VIOLATION:** Unauthorized bulkhead retaining wall involving wetlands

**LOCATION:** 685 Thalia Point Road, contiguous to Western Branch Lynnhaven River

**SPEAKER:** None

Chairman Vail read into the record an email addressed to Charles McKenna from Geof Voorhees, the new property owner, dated May 3, 2019. This email is a part of the permanent record of this Public Hearing and may be viewed at the office of the City Clerk.

Upon Motion by Mr. Schulman, seconded by Mr. Barney, the **RESTORATION** of this site be ordered for **Geof Voorhees (New Owner)** to remove the existing bulkhead repair within forty-five (45) days of this hearing.

**VOTE: 5-0**

**MEMBERS VOTING AYE:**

Jason Barney, Katie Crum, Joshua Schulman,  
James Vail and Cindy Hawks White

**MEMBERS VOTING NAY:**

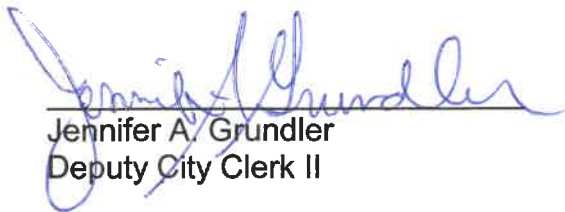
**MEMBERS ABSENT:**

Nils S. Bahringer and Stephen Ballard

**MEMBERS ABSTAINING:**

At 10:53 AM, the May 20, 2019, Public Hearing of the Virginia Beach Wetlands Board was adjourned by the Chair, James T. Vail.

The comments of the Planning Department are on file with the City of Virginia Beach Planning Department.



---

Jennifer A. Grundler  
Deputy City Clerk II



---

James T. Vail, Chair  
Wetland Board