



WETLANDS BOARD

MINUTES

CITY OF VIRGINIA BEACH

10:00 AM

CITY COUNCIL CHAMBER

DECEMBER 17, 2018

MEMBERS PRESENT:

CHAIRMAN, JAMES T. VAIL, PRESIDING

VICE CHAIR, JOASHUA SCHULMAN

STEPHEN BALLARD

NILS S. BAHRINGER

JASON BARNEY

KATIE CRUM

CINDY HAWKS WHITE (LEFT THE MEETING AT 11:34 A.M.)

MEMBERS ABSENT:

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

The December, 2018 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 10:00 AM, December 17, 2018.

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 and Mr. David Compton.

RITZ 2756, LLC
APPLICATION No.: 2016-WTRA-00229

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

PROJECT LOCATION: 2756 Sandfiddler Road, contiguous to Atlantic Ocean

REQUEST: Extension of Time

SPEAKER: None

Upon Motion by Mr. Schulman, seconded by Mr. Barney, the request of **RITZ 2756, LLC**, for a **ONE (1) YEAR EXTENSION OF TIME** was **GRANTED**.

VOTE: 7-0

MEMBERS VOTING AYE:

Mr. Nils S. Bahringer, Stephen Ballard, Jason Barney,
Katie Crum, Joshua Schulman, James Vail and Cindy Hawks White

MEMBERS VOTING NAY:

MEMBERS ABSENT:

MEMBERS ABSTAINING:

JEAN F. SIEBERT
APPLICATION No.: 2016-WTRA-00231

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

PROJECT LOCATION: 2724 Sandfiddler Road, contiguous to Atlantic Ocean

REQUEST: Extension of Time

SPEAKER: None

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

VOTE: 7-0

MEMBERS VOTING AYE:

Mr. Nils S. Bahringer, Stephen Ballard, Jason Barney,
Katie Crum, Joshua Schulman, James Vail and Cindy Hawks White

MEMBERS VOTING NAY:

MEMBERS ABSENT:

MEMBERS ABSTAINING:

LUCKY STAR 2704, LLC
APPLICATION No.: 2016-WTRA-00197

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

PROJECT LOCATION: 2704 Sandfiddler Road, contiguous to Atlantic Ocean

REQUEST: Extension of Time

SPEAKER: None

Upon Motion by Mr. Schulman, seconded by Mr. Barney, the request of **Luck Star 2704, LLC**, for a **ONE (1) YEAR EXTENSION OF TIME** was **GRANTED**.

VOTE: 7-0

MEMBERS VOTING AYE:

Mr. Nils S. Bahringer, Stephen Ballard, Jason Barney,
Katie Crum, Joshua Schulman, James Vail and Cindy Hawks White

MEMBERS VOTING NAY:

MEMBERS ABSENT:

MEMBERS ABSTAINING:

ANUP GOKLI
APPLICATION No.: 2016-WTRA-00235

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

PROJECT LOCATION: 3408 Sandfiddler Road, contiguous to Atlantic Ocean

REQUEST: Extension of Time

SPEAKER: None

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

VOTE: 7-0

MEMBERS VOTING AYE:

Mr. Nils S. Bahringer, Stephen Ballard, Jason Barney,
Katie Crum, Joshua Schulman, James Vail and Cindy Hawks White

MEMBERS VOTING NAY:

MEMBERS ABSENT:

MEMBERS ABSTAINING:

DAVID AND KATHLEEN TAYLOR
APPLICATION No.: 2016-WTRA-00240

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

PROJECT LOCATION: 3268 Sandfiddler Road, contiguous to Atlantic Ocean

REQUEST: Extension of Time

SPEAKER: None

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

VOTE: 7-0

MEMBERS VOTING AYE:

Mr. Nils S. Bahringer, Stephen Ballard, Jason Barney,
Katie Crum, Joshua Schulman, James Vail and Cindy Hawks White

MEMBERS VOTING NAY:

MEMBERS ABSENT:

MEMBERS ABSTAINING:

THOMAS ARATA
APPLICATION No.: 2016-WTRA-00242

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

PROJECT LOCATION: 3272 Sandfiddler Road, contiguous to Atlantic Ocean

REQUEST: Extension of Time

SPEAKER: None

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

VOTE: 7-0

MEMBERS VOTING AYE:

Mr. Nils S. Bahringer, Stephen Ballard, Jason Barney,
Katie Crum, Joshua Schulman, James Vail and Cindy Hawks White

MEMBERS VOTING NAY:

MEMBERS ABSENT:

MEMBERS ABSTAINING:

DAM KIDS, LLC
APPLICATION No.: 2016-WTRA-00241

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

PROJECT LOCATION: 3308 Sandfiddler Road, contiguous to Atlantic Ocean

REQUEST: Extension of Time

SPEAKER: None

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

VOTE: 7-0

MEMBERS VOTING AYE:

Mr. Nils S. Bahringer, Stephen Ballard, Jason Barney,
Katie Crum, Joshua Schulman, James Vail and Cindy Hawks White

MEMBERS VOTING NAY:

MEMBERS ABSENT:

MEMBERS ABSTAINING:

3316 SANDFIDDLER, LLC
APPLICATION No.: 2016-WTRA-00246

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

PROJECT LOCATION: 3316 Sandfiddler Road, contiguous to Atlantic Ocean

REQUEST: Extension of Time

SPEAKER: None

Upon Motion by Mr. Schulman, seconded by Mr. Barney, the request of **3316 Sandfiddler, LLC**, for a **ONE (1) YEAR EXTENSION OF TIME** was **GRANTED**.

VOTE: 7-0

MEMBERS VOTING AYE:

Mr. Nils S. Bahringer, Stephen Ballard, Jason Barney,
Katie Crum, Joshua Schulman, James Vail and Cindy Hawks White

MEMBERS VOTING NAY:

MEMBERS ABSENT:

MEMBERS ABSTAINING:

3352 SANDFIDDLER, LLC
APPLICATION No.: 2016-WTRA-00247

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

PROJECT LOCATION: 3352 Sandfiddler Road, contiguous to Atlantic Ocean

REQUEST: Extension of Time

SPEAKER: None

Upon Motion by Mr. Schulman, seconded by Mr. Barney, the request of **3352 Sandfiddler, LLC**, for a **ONE (1) YEAR EXTENSION OF TIME** was **GRANTED**.

VOTE: 7-0

MEMBERS VOTING AYE:

Mr. Nils S. Bahringer, Stephen Ballard, Jason Barney,
Katie Crum, Joshua Schulman, James Vail and Cindy Hawks White

MEMBERS VOTING NAY:

MEMBERS ABSENT:

MEMBERS ABSTAINING:

**SANCTUARY AT FALSE CAPE CONDOMINIUM ASSOCIATION, INC.
APPLICATION No.: 2016-WTRA-00248**

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

PROJECT LOCATION: 3700 and 3738 Sandfiddler Road, contiguous to Atlantic Ocean

REQUEST: Extension of Time

SPEAKER: None

Upon Motion by Mr. Schulman, seconded by Mr. Barney, the request of **Sanctuary at False Cape Condominium Association, Inc.**, for a **ONE (1) YEAR EXTENSION OF TIME** was **GRANTED**.

VOTE: 7-0

MEMBERS VOTING AYE:

Mr. Nils S. Bahringer, Stephen Ballard, Jason Barney,
Katie Crum, Joshua Schulman, James Vail and Cindy Hawks White

MEMBERS VOTING NAY:

MEMBERS ABSENT:

MEMBERS ABSTAINING:

CT MACLIN II, LLC
APPLICATION No.: 2016-WTRA-00253

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

PROJECT LOCATION: 3280 Sandfiddler Road, contiguous to Atlantic Ocean

REQUEST: Extension of Time

SPEAKER: None

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

VOTE: 7-0

MEMBERS VOTING AYE:

Mr. Nils S. Bahringer, Stephen Ballard, Jason Barney,
Katie Crum, Joshua Schulman, James Vail and Cindy Hawks White

MEMBERS VOTING NAY:

MEMBERS ABSENT:

MEMBERS ABSTAINING:

GREG FOSTER
APPLICATION No.: 2016-WTRA-00260

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

PROJECT LOCATION: 2636 Sandfiddler Road, contiguous to Atlantic Ocean

REQUEST: Extension of Time

SPEAKER: None

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

VOTE: 7-0

MEMBERS VOTING AYE:

Mr. Nils S. Bahringer, Stephen Ballard, Jason Barney,
Katie Crum, Joshua Schulman, James Vail and Cindy Hawks White

MEMBERS VOTING NAY:

MEMBERS ABSENT:

MEMBERS ABSTAINING:

STEPHEN AND LISA SPEY
APPLICATION No.: 2016-WTRA-00261

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

PROJECT LOCATION: 2464 Sandfiddler Road, contiguous to Atlantic Ocean

REQUEST: Extension of Time

SPEAKER: None

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

VOTE: 7-0

MEMBERS VOTING AYE:

Mr. Nils S. Bahringer, Stephen Ballard, Jason Barney,
Katie Crum, Joshua Schulman, James Vail and Cindy Hawks White

MEMBERS VOTING NAY:

MEMBERS ABSENT:

MEMBERS ABSTAINING:

3652 SANDFIDDLER ROAD, LLC
APPLICATION No.: 2017-WTRA-00015

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

PROJECT LOCATION: 3652 Sandfiddler Road, contiguous to Atlantic Ocean

REQUEST: Extension of Time

SPEAKER: None

Upon Motion by Mr. Schulman, seconded by Mr. Barney, the request of **3652 Sandfiddler Road, LLC**, for a **ONE (1) YEAR EXTENSION OF TIME** was **GRANTED**.

VOTE: 7-0

MEMBERS VOTING AYE:

Mr. Nils S. Bahringer, Stephen Ballard, Jason Barney,
Katie Crum, Joshua Schulman, James Vail and Cindy Hawks White

MEMBERS VOTING NAY:

MEMBERS ABSENT:

MEMBERS ABSTAINING:

DAVID BOWEN
APPLICATION No.: 2016-WTRA-00095

PROJECT: To construct a retaining wall involving wetlands

PROJECT LOCATION: 2820 Timber Neck Trail, contiguous to Eastern Branch of the Lynnhaven River

REQUEST: Extension of Time

SPEAKER: FOR – Carl Eason, Wolcott Rivers Gates – Counsel for the Applicant

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

VOTE: 7-0

MEMBERS VOTING AYE:

Mr. Nils S. Bahringer, Stephen Ballard, Jason Barney,
Katie Crum, Joshua Schulman, James Vail and Cindy Hawks White

MEMBERS VOTING NAY:

MEMBERS ABSENT:

MEMBERS ABSTAINING:

WILLIAM JACOB
APPLICATION No.: 2018-WTRA-00135

PROJECT: To install a bulkhead involving wetlands

PROJECT LOCATION: 2232 Leeward Shore Drive, contiguous Long Creek

SPEAKER: FOR –David Kledzik, Marine Engineering and Technology, LLC

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

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

VOTE: 7-0

MEMBERS VOTING AYE:

Mr. Nils S. Bahringer, Stephen Ballard, Jason Barney,
Katie Crum, Joshua Schulman, James Vail and Cindy Hawks White

MEMBERS VOTING NAY:

MEMBERS ABSENT:

MEMBERS ABSTAINING:

RUSSEL L. SMITH
No.: 2018-WTRA-00211

PROJECT: To construct a rip rap revetment, marsh sill, and plant vegetation involving wetlands

PROJECT LOCATION: 2221 Haversham Close, contiguous to Broad Bay

SPEAKER: FOR –David Kledzik, Marine Engineering and Technology, LLC

Upon Motion by Mr. Schulman, seconded by Mr. Barney, the application of **Russel L. Smith** was **APPROVED, AS SUBMITTED.**

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

VOTE: 7-0

MEMBERS VOTING AYE:

Mr. Nils S. Bahringer, Stephen Ballard, Jason Barney,
Katie Crum, Joshua Schulman, James Vail and Cindy Hawks White

MEMBERS VOTING NAY:

MEMBERS ABSENT:

MEMBERS ABSTAINING:

**CHELSEA WATERWAY ASSOCIATES, INC.
APPLICATION No.: 2018-WTRA-00215**

PROJECT: To maintenance dredge involving wetlands

PROJECT LOCATION: 1825 Green Hill Road, contiguous to Broad Bay

SPEAKER: **FOR** –David Kledzik, Marine Engineering and Technology, LLC

Upon Motion by Mr. Schulman, seconded by Mr. Barney, the application of **Chelsea Waterway Associates, Inc.**, was **APPROVED, AS SUBMITTED.**

No Net Loss of wetlands on this project was achieved by the previous use of on-site compensation and the previous payment of an in-lieu fee.

VOTE: 7-0

MEMBERS VOTING AYE:

Mr. Nils S. Bahringer, Stephen Ballard, Jason Barney,
Katie Crum, Joshua Schulman, James Vail and Cindy Hawks White

MEMBERS VOTING NAY:

MEMBERS ABSENT:

MEMBERS ABSTAINING:

JAMES CONWAY
APPLICATION No.: 2018-WTRA-00174

PROJECT: To construct rip rap, install flex-a-mat and regrade involving wetlands

PROJECT LOCATION: 1901 Channel Points Lane, contiguous to Lynnhaven Bay

SPEAKERS: Robert E. Simon, Waterfront Consulting, Inc.
Daniel Yates, Sandbridge Marine Construction
Justin Worrell, Virginia Marine Resources Commission

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

1. The flex-a-mat shown between points B-F on Sheet 4 of the proposed plans shall be eliminated.
2. Revised plans shall be submitted to the Virginia Marine Resources Commission (VMRC) and shall ultimately be approved by the Department of Planning and Community Development prior to the issuance of a permit.

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

VOTE: 7-0

MEMBERS VOTING AYE:

Mr. Nils S. Bahringer, Stephen Ballard, Jason Barney,
Katie Crum, Joshua Schulman, James Vail and Cindy Hawks White

MEMBERS VOTING NAY:

MEMBERS ABSENT:

MEMBERS ABSTAINING:

NORTH LANDING BEACH RV RESORT AND COTTAGES – VIRGINIA BEACH, LLC
APPLICATION NO.: 2018-WTRA-00196

PROJECT: To remove unauthorized gabion baskets, install timber groin and pier, install flex-a-mat, and dredge involving wetlands

PROJECT LOCATION: 161 Princess Anne Road, contiguous North Landing River

SPEAKER: **FOR** – Robert E. Simon, Waterfront Consulting, Inc.
Philip Moreau, Manager Member of RV Management Services – VB, LLC

Upon Motion by Mr. Schulman, seconded by Mr. Barney, the application of **North Landing Beach RV Resort and Cottages – Virginia Beach, LLC**, was **APPROVED, AS MODIFIED**, WITH THE FOLLOWING CONDITION:

1. The agent shall thoroughly quantify the wetlands impacts including vegetated and non-vegetated losses, gains, and conversions.
2. 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.
3. Revisions shall be submitted to the Virginia Marine Resources Commission (VMRC) and ultimately approved by the Department of Planning and Community Development prior to the issuance of a Wetlands permit.
4. A permit for the proposed pier shall not be issued until approval for a modification of the existing Conditional Use Permit is obtained from the City.

No Net Loss of wetlands on this project was the use of on-site compensation and the payment of an in-lieu fee.

VOTE: 7-0

MEMBERS VOTING AYE:

Mr. Nils S. Bahringer, Stephen Ballard, Jason Barney,
Katie Crum, Joshua Schulman, James Vail and Cindy Hawks White

MEMBERS VOTING NAY:

MEMBERS ABSENT:

MEMBERS ABSTAINING:

WILLIAM KILIAN
APPLICATION No.: 2018-WTRA-00203

PROJECT: To construct timber and concrete clock bulkhead involving wetlands

PROJECT LOCATION: 1933 Clifton Road, contiguous to North Landing River

SPEAKER: FOR – Robert E. Simon, Waterfront Consulting, Inc.

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

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

VOTE: 7-0

MEMBERS VOTING AYE:

Mr. Nils S. Bahringer, Stephen Ballard, Jason Barney,
Katie Crum, Joshua Schulman, James Vail and Cindy Hawks White

MEMBERS VOTING NAY:

MEMBERS ABSENT:

MEMBERS ABSTAINING:

**MARTHA GLASSER AND EDITH MURPHY, ET. AL.
APPLICATION No.: 2018-WTRA-00212**

PROJECT: To construct a rip rap revetment, marsh sill, and plant vegetation involving wetlands

PROJECT LOCATION: 521 & 512 Wilder Road, contiguous to Crystal Lake

SPEAKERS: Robert E. Simon, Waterfront Consulting, Inc.

Upon Motion by Mr. Schulman, seconded by Mr. Barney, the application of **Martha Glasser and Edith Murphy, et. al.**, was **APPROVED, AS MODIFIED**, WITH THE FOLLOWING CONDITIONS:

1. The applicant's agent shall revise the vegetated and non-vegetated wetlands impacts and submit revised calculations.
2. The top elevation of the proposed bulkhead shall not exceed 3.7 feet above mean low water unless approval is obtained from the Chesapeake Bay Preservation Area Board (CBPA) or, if permissible by applicable City ordinances, an administrative approval is granted.
3. A revised application 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 Wetlands permit.

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

VOTE: 7-0

MEMBERS VOTING AYE:

Mr. Nils S. Bahringer, Stephen Ballard, Jason Barney,
Katie Crum, Joshua Schulman, James Vail and Cindy Hawks White

MEMBERS VOTING NAY:

MEMBERS ABSENT:

MEMBERS ABSTAINING:

**SAMARAS FAMILY REVOCABLE TRUST
2018-WTRV-0002**

SHOW CAUSE HEARING

VIOLATION: Unauthorized concrete block retaining wall

LOCATION: 116 Pinewood Road #B, contiguous to Little Neck Creek

SPEAKER: R. Edward Bourdon, Jr., Sykes, Bourdon, Ahern & Levy, P.C.,
Counsel for Applicant

This application was deferred from the November 2018, Public Hearing.

Upon Motion by Mr. Schulman seconded Mr. Barney, the SHOW CAUSE hearing of **Samaras Family Revocable Trust** was **DEFERRED TO THE FEBRUARY 2019 WETLANDS PUBLIC HEARING.**

VOTE: 6-0

MEMBERS VOTING AYE:

Mr. Nils S. Bahringer, Stephen Ballard, Jason Barney,
Katie Crum, Joshua Schulman and James Vail

MEMBERS VOTING NAY:

MEMBERS ABSENT:

Cindy Hawks White

MEMBERS ABSTAINING:

ELECTION OF OFFICERS

**JAMES T. VAIL, CHAIR
AND
JOSHUA SCHUMAN, VICE CHAIR**

Upon motion by Mr. Barney, seconded by Ms. Crum, the current **Chair, James T. Vail** and **Vice-Chair, Joashua Schulman** are **RE-ELECTED** to serve for a one (1) year term.

VOTE: 6 – 0

MEMBERS VOTING AYE:

Mr. Nils S. Bahringer, Stephen Ballard, Jason Barney,
Katie Crum, Joshua Schulman and James Vail

MEMBERS VOTING NAY:

MEMBERS ABSENT:


Cindy Hawks White

MEMBERS ABSTAINING:

At 11:27 AM – 11:34 AM the Board took a break. Cindy White Hawks announced that she had to leave the meeting at 11:34 AM.

At 12:08 PM, the December 17, 2018, 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