



**WETLANDS BOARD
MEETING MINUTES**

CITY OF VIRGINIA BEACH

CITY COUNCIL CHAMBER
BUILDING 3
2403 COURTHOUSE DRIVE
VIRGINIA BEACH, VIRGINIA 23456

APRIL 18, 2022
10:00 AM

MEMBERS PRESENT:

CHAIRMAN, JOASHUA SCHULMAN, PRESIDING
VICE CHAIR, JASON BARNEY
STEPHEN BALLARD
KATIE CRUM
EMILY STEINHILBER
JAMES T. VAIL
CINDY HAWKS WHITE

MEMBERS ABSENT:

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

The April 18, 2022, Public Hearing Meeting for the Virginia Beach Wetlands Board was called to order by the Chair, Joashua Schulman, in the Council Chamber, 2403 Courthouse Drive, Virginia Beach, Virginia 23456 at 10:01 AM, April 18, 2022.

Chair Schulman welcomed all, 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 two (2) years 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.

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

The Chair stated that as required by law four (4) affirmative votes are required for an approval of a permit application. The Clerk announced that quorum was present and that the Wetlands Minutes of March 21, 2022, was approved, as distributed.

The slide presentation for each application site was rendered by Ms. Whitney McNamara.

MINUTES OF MARCH 21, 2022

Upon Motion by Mr. Barney, seconded by Mr. Vail, the March 21, 2022, Minutes was **APPROVED, AS DISTRIBUTED.**

VOTE: 7-0

MEMBERS VOTING AYE:

Jason Barney, Stephen Ballard, Katie Crum, Joashua Schulman,
Emily Steinhilber, James T. Vail and Cindy Hawks White

MEMBERS VOTING NAY:

MEMBERS ABSENT:

MEMBERS ABSTAINING:

**HARBOR GATE OWNERS ASSOCIATES, INC
APPLICATION No.: 2022-WTRA-00014**

PROJECT: To construct a bulkhead involving Coastal Primary Sand Dune/Beach

PROJECT LOCATION: 3300 Ocean Shore Avenue contiguous to Chesapeake Bay

REQUEST: Deferral

SPEAKER: None

Upon motion by Mr. Barney, seconded by Ms. White, the application of **Harbor Gate Owners Associates, Inc**, was **DEFERRED TO THE MAY 16, 2022, WETLANDS BOARD MEETING.**

VOTE: 7-0

MEMBERS VOTING AYE:

Jason Barney, Stephen Ballard, Katie Crum, Joashua Schulman,
Emily Steinhilber, James T. Vail and Cindy Hawks White

MEMBERS VOTING NAY:

MEMBERS ABSENT:

MEMBERS ABSTAINING:

SUNOCO, LLC
APPLICATION No.: 2021-WTRA-00041

PROJECT: To construct rip rap and a boat ramp involving wetlands
PROJECT LOCATION: 3924 North Landing Road contiguous to North Landing River
REQUEST: One (1) Year Extension of Time
SPEAKER: None

Upon motion by Mr. Barney, seconded by Ms. White, the request of **Sunoco, LLC**, for a one (1) year extension of time was **GRANTED**.

VOTE: 7-0

MEMBERS VOTING AYE:

Jason Barney, Stephen Ballard, Katie Crum, Joashua Schulman,
Emily Steinhilber, James T. Vail and Cindy Hawks White

MEMBERS VOTING NAY:

MEMBERS ABSENT:

MEMBERS ABSTAINING:

**WILLIAM F. & MARY E. DINGLER
APPLICATION NO.: 2022-WTRA-00028**

PROJECT: To construct a bulkhead, dock, and floating dock involving wetlands

PROJECT LOCATION: 2789 Sandpiper Road contiguous to North Bay

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

Upon motion by Mr. Barney, seconded by Ms. White, the application of **William F. & Mary E. Dingler** was **APPROVED, AS SUBMITTED.**

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

VOTE: 7-0

MEMBERS VOTING AYE:

Jason Barney, Stephen Ballard, Katie Crum, Joashua Schulman,
Emily Steinhilber, James T. Vail and Cindy Hawks White

MEMBERS VOTING NAY:

MEMBERS ABSENT:

MEMBERS ABSTAINING:

**CHARLOTTE HUMENIK REVOCABLE TRUST
APPLICATION No.: 2022-WTRA-00037**

PROJECT: To construct a bulkhead and dock involving wetlands

PROJECT LOCATION: 2852 Bluebill Drive contiguous to Man-made canal to North Bay

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

Upon motion by Mr. Barney, seconded by Ms. White, the application of **Charlotte Humenik Revocable Trust** 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:

Jason Barney, Stephen Ballard, Katie Crum, Joashua Schulman,
Emily Steinhilber, James T. Vail and Cindy Hawks White

MEMBERS VOTING NAY:

MEMBERS ABSENT:

MEMBERS ABSTAINING:

**BROAD BAY CANAL ASSOCIATION; TASSOS & DOLORES PAPHITES
APPLICATION No.: 2022-WTRA-00044**

PROJECT: To construct a groin involving wetlands

PROJECT LOCATION: 1800 Broad Bay Circle contiguous to Broad Bay

SPEAKER: **FOR** – David Kledzik, Marine Engineering LLC, Agent for Applicant

Upon motion by Mr. Barney, seconded by Ms. White, the application of **Broad Bay Canal Association; Tassos & Dolores Paphites** 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:

Jason Barney, Stephen Ballard, Katie Crum, Joashua Schulman,
Emily Steinhilber, James T. Vail and Cindy Hawks White

MEMBERS VOTING NAY:

MEMBERS ABSENT:

MEMBERS ABSTAINING:

(Chair Schulman disclosed that he worked at a law firm that represented Tassos & Dolores Paphites and does not recall having done work on this property, but that it was quite some time ago, and therefore felt that he could be impartial)

April 18, 2022

Bobby Tajan, Planning Director
Planning and Community Development
2875 Sabre Street, Suite 500
Virginia Beach, Virginia 23452

Re: Abstention Pursuant to the Conflicts of Interests Act, Va. Code Section 2.2-3115(F)

Dear Mr. Tajan:

Pursuant to the State and Local Government Conflict of Interests Act, I make the following declaration:

1. I am executing this written disclosure regarding the Wetlands Board's discussion and vote on April 18, 2022, agenda item 2022-WTRA-00044 for property located at 1800 Broad Bay Circle, Virginia Beach, Virginia 23454.
2. Tasso and Dolores Paphites were clients of a previous law firm where I was employed; however, I do not recall representing them for the purchase of 1800 Broad Bay Circle. My current place of employment is Joashua F. Schulman, PC, One Columbus Center, Suite 637, Virginia Beach, VA 23462.
3. I am able to participate in the transaction fairly, objectively and in the public interest.

Please record this declaration in the official records of the Wetlands Board. Thank you for your assistance.

Sincerely,

A handwritten signature in black ink, appearing to read "Joashua Schulman". The signature is fluid and cursive, with a long horizontal stroke at the end.

Joashua Schulman
Wetlands Board Member

**DAVID AND JOAN MICHAUD
APPLICATION No.: 2022-WTRA-00046**

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

PROJECT LOCATION: 1725 River Court contiguous to Eastern Branch Lynnhaven River

SPEAKER: **FOR** – David Kledzik, Marine Engineering LLC, Agent for Applicant

Upon motion by Mr. Barney, seconded by Ms. White, the application of **David and Joan Michaud** was **APPROVED, AS MODIFIED**, WITH THE FOLLOWING CONDITIONS:

1. The area between the rip rap revetment and sill shall be backfilled with clean sand or suitable sand substrate as specified on the Joint Permit Application (JPA), Proposed Rip Rap Detail sheet and planted with *Spartina alterniflora*, Smooth Cordgrass at twenty-four-inches (24”) on center. Said sand backfill shall be placed at a specified elevation to support the growth of the *Spartina alterniflora*.
2. Any shellfish impacted by construction of the proposed improvements shall be removed from the structure(s), preserved in the water column, and returned/placed on the completed or existing rip rap on site as applicable.
3. Revised plans shall be submitted to the Virginia Marine Resources Commission (VMRC) and 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 the use of on-site compensation.

VOTE: 7-0

MEMBERS VOTING AYE:

Jason Barney, Stephen Ballard, Katie Crum, Joashua Schulman,
Emily Steinhilber, James T. Vail and Cindy Hawks White

MEMBERS VOTING NAY:

MEMBERS ABSENT:

MEMBERS ABSTAINING:

Five2Peers Real Estate Trust
APPLICATION No.: 2022-WTRA-00063

PROJECT: To dredge and construct groin wall and rip rap sill involving wetlands

PROJECT LOCATION: 3201 Lynnhaven Drive contiguous to Long Creek

SPEAKER: **FOR** – Robert E. Simon, Waterfront Consulting, Inc., Agent for Applicant

Upon motion by Mr. Barney, seconded by Ms. White, the application of **Five2Peers Real Estate Trust** was **APPROVED, AS MODIFIED**, WITH THE FOLLOWING CONDITIONS:

1. A Dredge Materials Management Plan 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.
2. A hauling permit shall be applied for and approved by the Development Services Center prior to the issuance of a Wetlands Permit.

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

VOTE: 7-0

MEMBERS VOTING AYE:

Jason Barney, Stephen Ballard, Katie Crum, Joashua Schulman,
Emily Steinhilber, James T. Vail and Cindy Hawks White

MEMBERS VOTING NAY:

MEMBERS ABSENT:

MEMBERS ABSTAINING:

**HAVERSHAM CLOSE, LLC; ROBERT & RENEE BROERMANN;
BARBARA J. & ALLEN M. LARAR; JEANNE P. WEST TRUST
& MAYNARD D. WEST TRUST
APPLICATION No.: 2022-WTRA-00062**

PROJECT: To dredge involving wetlands

PROJECT LOCATION: 2385, 2389, 2393 and 2397 Haversham Close contiguous to Dey Cove

SPEAKER: **FOR** – Robert E. Simon, Waterfront Consulting, Inc., Agent for Applicant

Upon motion by Mr. Barney, seconded by Ms. White, the application of **Haversham Close, LLC; Robert & Renee Broermann; Barbara J. & Allen M. Larar; Jeanne P. West Trust & Maynard D. West Trust** was **APPROVED, AS MODIFIED**, WITH THE FOLLOWING CONDITIONS:

1. A Dredge Materials Management Plan 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.
2. A hauling permit shall be applied for and approved by the Development Services Center prior to the issuance of a Wetlands Permit.
3. The project, including the 2x and 4x Wetlands Buffers, shall be resurveyed and all wetlands impacts quantified prior to the issuance of a Wetlands Permit.

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

VOTE: 6-0

MEMBERS VOTING AYE:

Jason Barney, Katie Crum, Joashua Schulman,
Emily Steinhilber, James T. Vail and Cindy Hawks White

MEMBERS VOTING NAY:

MEMBERS ABSENT:

MEMBERS ABSTAINING:

Stephen Ballard

(Mr. Ballard left the room at 10:34 AM and abstained due to being a managing member of the applicant, Haversham Close, LLC)

(Ms. White disclosed that she has done multiple transactions with fellow realtor Jeanne West, who is one of the owners of one of the properties, and Ms. White felt that it would not impair her judgment)

April 18, 2022

Bobby Tajan, Planning Director
Planning and Community Development
2875 Sabre Street, Suite 500
Virginia Beach, Virginia 23452

Re: Abstention Pursuant to the Conflicts of Interests Act, Va. Code Section 2.2-3115(F)

Dear Mr. Tajan:

Pursuant to the State and Local Government Conflict of Interests Act, I make the following declaration:

1. I am executing this written disclosure regarding the Wetlands Board's discussion and vote on April 18, 2022, agenda item 2022-WTRA-00062 for property located at 2385, 2389, 2393, 2397 Haversham Close, Virginia Beach, Virginia 23454.
2. I am the managing member of the applicant, Haversham Close, LLC, the owner of 2393 Haversham Close.
3. For this reason, I abstain from this vote.

Please record this declaration in the official records of the Wetlands Board. Thank you for your assistance.

Sincerely,



Stephen Ballard
Wetlands Board Member

April 18, 2022

Bobby Tajan, Planning Director
Planning and Community Development
2875 Sabre Street, Suite 500
Virginia Beach, Virginia 23452

Re: Abstention Pursuant to the Conflicts of Interests Act, Va. Code Section 2.2-3115(F)

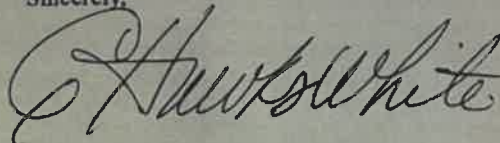
Dear Mr. Tajan:

Pursuant to the State and Local Government Conflict of Interests Act, I make the following declaration:

1. I am executing this written disclosure regarding the Wetlands Board's discussion and vote on April 18, 2022, agenda item 2022-WTRA-00062 for property located at 2385, 2389, 2393, 2397 Haversham Close, Virginia Beach, Virginia 23454.
2. Through my employment, I am an acquaintance of Jeanne P. West, who is Trustee of the Jeanne P. West Trust, an owner of 2385 Haversham Close. My place of employment is Keller Williams Realty located at 968 First Colonial Road, #104, Virginia Beach, VA 23454.
3. I am able to participate in the transaction fairly, objectively and in the public interest.

Please record this declaration in the official records of the Wetlands Board. Thank you for your assistance.

Sincerely,




Cindy Hawks

White
Wetlands Board Member

At 10:44 AM the April 18, 2022, Public Hearing of the Virginia Beach Wetlands Board was adjourned by the Chair, Joashua Schulman.

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



Jennifer A. Grundler
Deputy City Clerk II



Joashua Schulman, Chair
Wetlands Board