

# Town of Lovettsville

## Minutes of the Planning Commission Regular Meeting June 3, 2015

### Call to Order/Pledge of Allegiance

Chairman Joseph Mueller called the Regular Meeting of the Lovettsville Planning Commission to order at 7:33 p.m. on June 3, 2015 at the Lovettsville Town Hall, 6 East Pennsylvania Avenue, Lovettsville, VA.

### Present at Meeting

- Chairman Joseph Mueller
- Vice Chair Robert Gentile
- Commissioner Thomas Ciolkosz
- Commissioner Frank McDonough
- Commissioner Anthony Quintana
- Commissioner Buchanan Smith
- Commissioner Nate Fontaine

### Staff Present

- Zoning Administrator Joshua Bateman
- Town Manager Laszlo Palko
- Town Clerk Harriet West

Chairman Mueller led those present in the Pledge of Allegiance.

### Public Comment

Chairman Mueller called for comments from the public. There were none.

### Additions/Deletions/Modifications to the Agenda

There were none.

### Approval of Planning Commission Minutes

#### A. November 19, 2014 Joint Public Hearing

**Motion:** I move to approve the minutes of the November 19, 2014 Joint Public Hearing as modified.  
**By:** Commissioner McDonough  
**Second:** Commissioner Quintana  
**Aye:** Commissioners Ciolkosz, Gentile, McDonough, Mueller, Fontaine, Quintana, and Smith  
**Nay:** None  
**Abstain:** None  
**Absent:** None

### Staff Reports

Mr. Bateman presented this item and gave an update on the Town Center commercial project. He stated that Town staff recently issued comments on the second submission of the site plan amendment for that project. Mr. Quintana asked whether there were any specific dates provided by the applicant for the start of construction. Mr. Bateman responded that he recently spoke with the contractor installing the signs advertising the property for lease. He further reported that the building plans are completed and waiting to be submitted by the architect. He anticipated approval of the plans by August and start of construction

sometime in September. Mr. McDonough asked for an update on the status of the Engle Tract. Mr. Bateman reported on a recent meeting with the heirs of the estate to discuss the comprehensive planning process and stated that he invited them to future committee meetings. He further reported that the heirs expressed to him that they have received interest from potential buyers.

### **Action/Discussion Items**

#### **A. Zoning Ordinance Amendment: Nonconforming Uses, Buildings and Lots**

Mr. Bateman presented on this item. He stated that the draft before the Commission is consistent with what the Planning Commission authorized staff to draft several months ago to address deficiencies in the way the zoning ordinance handles nonconforming buildings, uses and lots, and makes the Town's ordinance consistent with what state law allows.

Mr. Fontaine questioned the wording of Section 42-67 Paragraph (b) and whether that section is supposed to read "increases" or "decreases" with respect to whether a nonconforming building may be enlarged relative to the maximum front yard setback line. Mr. Bateman replied that he was not sure but will double check to confirm how it should read. A discussion followed during which Mr. Bateman drew an example on the white board to indicate how an existing building could be modified on a sample lot under the proposed requirements.

Mr. Quintana asked whether Section 42-67 Paragraph (d) allows an owner who obtained a variance to rebuild within the footprint of the preexisting structure only or whether that owner could expand the structure beyond the extent of the previous footprint. Mr. Bateman replied that the amendment would authorize such an owner to rebuild the nonconforming portion of a structure for which he never obtained a variance without the need to obtain a variance, and that once a variance is approved for something, it continues indefinitely unless a change in circumstances occurs.

Mr. Bateman stated that the Town Attorney is currently reviewing the draft amendment and may come back to staff with additional changes. Chairman Mueller indicated that he would prefer to wait to take any action on the amendment until the Town Attorney has reviewed it and recommended additional changes.

#### **B. Comprehensive Plan Review: Committee Rules/Procedures**

Mr. Bateman presented this item in which the Commission is being asked to consider adopting rules and procedures to govern committee membership, reporting requirements, and meetings. Mr. Mueller reported on the changes that he made working with Mr. Bateman which are highlighted in the version he has brought before the Commission.

Mr. Bateman asked the Commission to adopt the motion as amended with the additions and deletions highlighted in the draft presented to the Commission this evening. Commissioner Mueller presented on a proposed modification to the rules and procedures involving goals, policies and statements of the draft plan and one that has not yet been added involving the final list of committee members. Mr. Bateman stated that committee membership was a separate agenda item.

Mr. Ciolkosz said that he thought the rules would include language about how the goals and policies would be reviewed and revised to be measurable. Mr. Mueller agreed that the rules should include such language. A discussion ensued about whether to add a rule to that effect. Mr. Bateman agreed to add such a rule consistent with the policy as previously agreed to by the Commission and read aloud by Mr. Bateman.

Mr. Bateman asked whether commissioners wanted to see the preliminary meeting schedule and spoke about the need to attach a preliminary schedule to the packet of information given to committee members. He presented on the dates that the topic advisory committees are scheduled to meet and the rationale behind the proposed schedule. Mr. Bateman stated his goal is that the committees finish up their meetings by March of 2016. Mr. McDonough asked whether it was possible for a committee to meet

sooner and Mr. Bateman responded no, but that all meeting dates are tentative and that a committee could consolidate their meetings into a single month rather than meet over the course of two or three months. Mr. Bateman stated the need to coordinate with staff to properly advertise the committee meetings to the public and further that he would encourage committees to meet in more informal settings if desired. He highlighted the fact that the committees require considerable inputs on the part of staff in advance of the meeting date in terms of time and effort. Mr. Ciolkosz stated that it was not unrealistic to expect that it may take 12 to 16 months to complete the comprehensive plan review.

Chairman Mueller stated that he had no objection to working through the process in this manner considering his experiences with the previous plan review committee. A discussion ensued regarding the preparation and dissemination of background and meeting information to committee chairs, members and participants in advance of the committee meetings. Once that discussion ended, a discussion followed on the maximum number of commissioners that may gather together at any one time without being considered a public meeting under state law and whether committees can meet in informal settings. Chairman Mueller put forward his opinion that committees should meet in public places only and the Commission agreed to do so without objections.

Mr. Bateman read aloud the changes to the rules and procedures as agreed to by the Commission.

**Motion:** To adopt the Rules and Procedures of the Comprehensive Plan Advisory Committees as agreed to today during this regular meeting on June 3, 2017.  
**By:** Commissioner Fontaine  
**Second:** Commissioner Smith  
**Aye:** Commissioners Ciolkosz, Gentile, McDonough, Mueller, Fontaine, Quintana, and Smith  
**Nay:** None  
**Abstain:** None  
**Absent:** None

C. Comprehensive Plan Review: Committee Appointments

Mr. Bateman asked the Commissioners to consider formally appointing citizens to serve on the four committees responsible for reviewing the Comprehensive Plan. Mr. Bateman stated that there have been some last-minute volunteers that he would like to add to the list and requested further that the Commission amend the motion presented in the staff memo to include those individuals.

Mr. Fontaine asked about the rationale in the rules and procedures for limiting participation by topic advisors to citizens of Virginia only. Mayor Zoldos responded that he put forth that language and that there was no magic to that. He further stated that if the Commission wanted it to read "citizens of the U.S." then the Commission should make that amendment. The Commission agreed without objection to a change in the third bulleted rule under "Membership" so that it reads: "Interested area residents shall be permitted to serve on any one of the committees as a topic advisor by the chairman of that advisory committee or by the Planning Commission as a whole."

**Motion:** To adopt the proposed rules as amended such that the third bullet down under "Membership" of the rules shall read: "Interested area residents shall be permitted to serve on any one of the committees as a topic advisor by the chairman of that advisory committee or by the Planning Commission as a whole."  
**By:** Commissioner Fontaine  
**Second:** Commissioner Quintana

**Aye:** Commissioners Ciolkosz, Gentile, McDonough, Fontaine, Mueller, Quintana, and Smith  
**Nay:** None  
**Abstain:** None  
**Absent:** None

**Motion:** To appoint the following individuals to serve on the comprehensive planning committees:

Economic Development and Non-Residential Land Use Committee:

1. Nate Fontaine
2. Roger Hatcher
3. Pamela Baldwin
4. Elaine Walker
5. Erin Harney
6. Heather Whitfield

Housing and Residential Land Use Committee:

1. Chris Hornbaker
2. Ashley Ross
3. Thomas Troxell
4. Melissa Barton

Transportation Committee:

1. Nate Fontaine
2. Evan Harlow
3. Elaine Walker
4. Andy Koch
5. Pat Strasser

Public Facilities and Utilities Committee:

1. Jack Burden
2. Elaine Walker
3. Chris Hornbaker
4. Mary Torres
5. Michelle Rancourt

**By:** Commissioner Quintana  
**Second:** Commissioner McDonough  
**Aye:** Commissioners Ciolkosz, Gentile, McDonough, Mueller, Fontaine, Quintana, and Smith  
**Nay:** None  
**Abstain:** None  
**Absent:** None

**Information Items**

Chairman Mueller noted that Mr. Bateman has distributed educational material for the Commissioners to review regarding public participation. Mr. Bateman gave a summary of the contents of this background information.

Mr. McDonough thanked everyone for their participation and recognized Tony for directing traffic for 10 hours at MayFest this year. Mr. Quintana stated that he simply does this as part of his duties as a Loudoun County Sheriff's Office Auxiliary Deputy. Chairman Mueller asked Mr. McDonough whether there was anything else on the Town Council agenda that involved the Planning Commission and Mr. McDonough responded that there was not.

**Next Meeting**

The next meeting is scheduled for June 17, 2015. Mr. Ciolkosz and Mr. McDonough indicated that they will be unable to attend the next meeting.

**Comments from the Mayor and Commissioners**

Mayor Zoldos thanked the Planning Commission for adopting rules governing the comprehensive planning advisory committees. Mayor Zoldos and Mr. Palko delivered a summary of issues, events and happenings involving the Town Council and in the Town generally. A discussion took place between commissioners, Mayor Zoldos and Mr. Palko on many of the issues presented for discussion.

**Adjournment**

There being no further business before the Planning Commission the meeting was adjourned at 9:06 p.m.

Respectfully submitted,



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Harriet West, Town Clerk

Date Approved: August 2, 2017

Attachments:  
None